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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Sixth periodic report of States parties

Poland*

* The present report is being issued without formal editing.
For the initial report submitted by the Government of Poland, see CEDAW/C/5/Add.31, which was considered by the Committee at its sixth session. For the second periodic report submitted by the Government of Poland, see CEDAW/C/13/Add.16, which was considered by the Committee at its tenth session. For the third periodic report submitted by the Government of Poland, see CEDAW/C/18/Add.2, which was considered by the Committee at its tenth session. For the combined fourth and fifth periodic report by the Government of Poland, see CEDAW/C/POL/4-5.

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The Government of the Republic of Poland, being a party to the Convention on the Elimination of All Forms of Discrimination against Women, pursuant to article 18 of the Convention, hereby submits the 6th report on the application of the Convention in legislation and practice.

The 6th report covers the period between 1st June 1998 and 31st May 2002.

This report is based on a much broader volume of source material than it was the case with the combined reports 4 and 5. This has been possible thanks to the gradual implementation – in compliance with general recommendation no.9 of the CEDAW Committee – of the postulate for gender segregation of data in government ministries and other institutions that collect data and conduct research. Though not all information is yet processed in this way, the National Census conducted in 2002 by the Central Statistical Office incorporated that postulate.

In accordance with the recommendations of the CEDAW Committee, this report presents information only on the subject areas which showed normative or factual changes in comparison with the preceding reporting period. Since no such changes took place in areas covered by articles 1, 4 and 15 of the Convention – those articles are omitted in the report.

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INTRODUCTION

The economic situation

1. The transition initiated at the beginning of the 90s was continued in the years 1998-2002. The process marked a radical political breakthrough and brought fundamental changes in the economic and social spheres. The economic reforms were designed to upgrade the competitive capacity of the Polish economy, while the changes in the legal sphere had the goal of harmonizing Polish law with the *acquis* of the European Union and ultimate integration with the Union – seen as the strategic objective of Polish policy. The reforms also focused on improvement of conditions for the development of the civil society. The evaluation of the economic situation was facilitated by the 2002 National Census of Population and Housing.

2. The years 1998-2002 witnessed a downturn in Poland's growth rate. An accumulation of unfavorable internal and external trends resulted in a reduction of the growth rate of the GDP: from 4.8 % to 0.9 % (second quarter of 2002), even though in the years 1998-1999 it was among the highest in Europe. The following developments contributed to that result:

- growing consumption at the beginning of the reporting period,
- measures designed to reduce it,
- lower willingness to save on the part of the population,
- high cost of credits,
- restrictive monetary and fiscal policies,
- impact of the crisis in Russia (in the years 1998-1999 alone exports to Russia fell by two-thirds).

In effect, there was a drastic decrease in investment outlays: from an increment of 15.3 % in 1998 to reductions of 9.5 % in 2001, and 10 % in 2002.

3. The economic downturn was reflected on the labor market. 2002 was the fifth consecutive year of deterioration – after a reverse in 1998 of the earlier positive trends. The negative economic trends led to a reduction of the number of the people employed and rapid growth of unemployment. The latter tendency was fueled by Europe's fastest increment of people of working age (some 200 thousand a year). The unemployment rate shot up from 10.4 % in the second half of 1998 to 18 % in the second half of 2002 (data supplied by employment offices). Specialized labor market research conducted according to European criteria of employment and unemployment indicated an even higher rate of unemployment – 19.7 % in 2002.

4. Women continued to be more vulnerable to unemployment than men. In the 4th quarter of 2001, the unemployment rate among women reached 20 %, with 17.3 % for men (average of 18.5 %). Women remain out of work longer than men. In 2001, over half of them (56 %) had been waiting for more than a year for a job, while the corresponding ratio for men was 39 %. The National Census of Population and Housing conducted in 2002 showed a higher rate of unemployment than indicated by employment offices – i.e. 22 % among women and 20.6 % among men (average of 21.2 %). Unemployment primarily affected young people, with over half of the unemployed under the age of 35. The unemployment rate of people entering the labor market in the 15-24 age bracket (graduates of

different schools) was twice the average rate, with little difference between the sexes. Unemployment was inversely proportionate to education levels. Higher unemployment rates for women were noted in the case of persons with basic vocational education.

5. The character of unemployment in Poland did not change in the years 1998-2002. Structural unemployment continued to dominate – due to underdevelopment of the respective industries and regions, and a mismatch between the required and available vocational qualifications.

6. The fundamental objective of the reform process remained unchanged: transformation of the ownership structure of the economy through privatization, to bring it in line with well-established market economies. The development of the private sector was achieved through the development of existing companies, creation of new ones and privatization of state enterprises. By the end of 2001 the privatization process involved 5350 enterprises, including:

- 315 subjected to indirect privatization,
- 1931 subjected to direct privatization,
- liquidation motions were approved in 1751 cases, with 870 companies liquidated and 656 pronounced bankrupt.

Thus, the private sector was increasingly dominant in the Polish economy, accounting for 71% of all employees in 1998, and 74.8% in 2001. More women than men worked in the public sector – particularly in the civil service, education, cultural institutions and the health service.

7. By the end of 2001, the public sector accounted for 76.2% of the country's global production. The building industry and consumer retailing were almost completely privatized in 2001. Agriculture was also close to full privatization by the end of the reporting period. State ownership continued to dominate in such sectors as mining, metallurgy, the power and gas industries, and rail transportation.

8. The process of building a market economy also involved development of the money and capital market. In 1998 the National Polish Bank – as the central bank – was guaranteed independence. In the same year stock trade in derivative securities was launched. The market was invigorated by a reform of the pensions system and establishing the Open Pension Funds in 1999.

9. However, relatively few people could afford to become involved in the securities market, as the economic downturn reduced family incomes to a level needed for daily living expenditures.

10. Reduction of inflation – which in the past had undermined the economy – continued to be a priority. Falling consumption, growing supply of food products, falling prices of imported goods (including fuel) brought the inflation rate down from 11.8% in 1998 to the record low of 1.9% in 2002.

11. The years 1998-2002 brought the first signs of a crisis in public finances. The earlier favorable trends were halted at the beginning of 1999 due to a fall in the economic growth rate and the introduction of pension reform in 1999 (three other major reforms were also introduced at that time: in health care, education and the civil service – though they did not have significant impact on public finances). The public debt rose to the level of 47.5% of the GDP in 2001, in consequence of state indebtedness to the Open Pension Funds, growing costs of servicing the public debt, compensation to public sector workers for the failure to adjust their wages in the years 1991-1992, and payment of

compensation to pensioners for pension increases to which they were entitled (effective March 2000, pursuant to a ruling off the Constitutional Tribunal).

12. Private incomes saw little change in the years 1998-2002. The average gross salary in the national economy rose by 3.3% in 1998, 4.7% – in 1999, 1% - in 2000, 2.5% – in 2001 and 0.7% – in 2002. The economic downturn, leading to falling incomes and consumption, caused social tensions. In 2002, the average nominal monthly wage amounted to 2097.83 zloty (ca 514 US dollars). Though public sector salaries continued to be higher than those in the private sector, the gap between the two narrowed from 21.5% in 1998, to 16.7% in 2001. Women's salaries were lower than men's, though the gender pay gap decreased from 24% in 1998 to 22% in 2001.

13. Private incomes are composed of pay and social security benefits. In 1998, the number of pensioners averaged 9.4 million persons – or 24.4 % of the total population. In subsequent years, that number gradually diminished, reaching the level of 9.2 million in 2002. During that period, pensions grew somewhat faster than pay. That was due to an upward adjustment of pensions and an inflation rate that was lower than anticipated in the state budget. For demographic reasons, there were more women among the old-age pensioners, and more men – among the disability pensioners.

The political situation

14. 2001 marked the end of the term in office of a minority government led by the right-wing "Solidarity" Electoral Action (AWS). The AWS platform stressed Christian values in social life. An election held in the autumn of 2001 brought to power the Democratic Left Alliance (SLD) in coalition with the Labor Union (UP). SLD described itself as a left-wing party, drawing on the traditions of the Polish and international socialist movement. SLD, along with UP and the Polish Peasant Party (PSL) – which also joined the coalition – formed a government which implemented its program until the end of the reporting period. The Constitution of 17th October 1997 enhanced the position of territorial self-government through decentralization and transfer of some public tasks to the self-governments. The administrative reform introduced on 1st January 1999 created a three-tier system of administration, designed to provide better service to the citizens. The local level (gmina) – in existence since 1990, was supplemented by powiats (grouping several gminas each, there were initially 308 powiats and that number was increased to 315 in 2002) and voivodships (16 units corresponding to the regional level). The powiats play an auxiliary role in the implementation of public tasks, particularly in providing collective services that exceed the potential of the gminas. The voivodship self-governments have regional development tasks and provide public services of regional importance. The authorities of both powiats and voivodships are elected in direct elections to four-year terms.

15. The Catholic Church continued to play a prominent role in shaping the political scene. In particular, it assisted the state authorities in promoting public support for Poland's integration with the EU. The role of the Church stems from the fact that 90 % of adult Poles declare themselves as Catholics (in 2001, 72.9% of all marriages were concluded through a religious Catholic ceremony).

European integration

16. The reporting period witnessed substantial progress toward implementation of Poland's strategic goal of integration with the European Union. Emphasis was placed on fulfillment of tasks elaborated in *The National Program of Preparation for Membership*, adopted in June 1998 by the Council of Ministers. Union directives – including those on gender equality in the workplace and social security – were incorporated into Polish law.

17. In order to stimulate public support for Poland's future EU-membership of the EU in a referendum, in May 1999 the Government adopted a four-year *Information Program.*

18. In November 2001, a report of the European Commission on the progress of the candidate states on the road to membership gave Poland generally positive notes. Poland had fulfilled the political criteria of membership, had a working market economy and was expected to adapt to market competition. On the other hand, the Commission pointed to shortcomings in the administration and judiciary, and to certain negative economic trends (falling growth rate, rising unemployment and crisis of public finances).

Demographic situation

19. As of 1st July 1998, Poland's population was estimated to number 38667 thousand people, including 19869 thousand (51.4%) women. Urban dwellers accounted for 62.9% of the population. Women outnumbered men only in towns (52.2%), with the rural population divided equally between the two genders.

20. In compliance with UN recommendations, National Census of Population and Housing was conducted between 21st May and 8th June 2002 (data as of 20th May 2002). The census showed that Poland's population numbered 38230 thousand – down 437 thousand on an estimate dated 1st July 1998 (the difference was caused by emigration and failure to register residency). The census indicated that Poland's population included 19714 thousand women, i.e. 51.6% of the total, meaning that there were 106.5 women for every 100 men.

21. The unfavorable demographic trends mentioned in the previous report deepened during the reporting period. In 2002, for the first time - the size of the population decreased (by 5.7 thousand). At the same time, life expectancy continued growing. The following table illustrates average life expectancies in the years 1999-2001:

	1999	2000	2001
men	68.8	69.7	70.2
women	77.5	78.0	78.4

22. There is little difference between the urban and rural life expectancies, though men live longer in towns, while women – in the countryside. Also, more children are born in rural than in urban areas.

23. The number of live births fell in the reporting period (that downward trend started in 1984). In 2002, the birth rate decreased to the lowest level since the WWII – 9.3‰. As in the previous reporting period, that was caused by reduction of the fertility rate to 35‰ (the trend was particularly evident in the 20-to-29 age group which has the greatest impact on the number of births), and the tendency of women to have their first – and often only – child at an older age. Those changes were stimulated by social and economic transformations.

24. The described demographic trend reflects the tendencies of its basic constituents – i.e. the birth and death rates, and also emigration. As a result, the indicator of generation replacement has been falling since 1989 (in towns – since 1962): in 1998 – it amounted to 0.68, and in 2002 - to 0.60 (0.70 in rural areas and 0.52 in towns).

25. The reporting period was marked by a further tangible improvement of the people's health situation - with falling death rates, particularly among infants (more on this in the report on article 12 of the Convention).

26. The share of out-of-wedlock births increased further. In 1998, 46 thousand such births were reported, and in 2002 they accounted for 14% of all live births. This reflects a relaxation of restrictive social norms.

27. The National Census of Population and Housing was the first to focus on both the legal and actual matrimonial status of respondents, revealing the number of legal separations of spouses and – in accordance with UN recommendations – of partner unions. Married persons constituted a majority of the population, with married men accounting for almost 60% of the group aged 15 and above, and married women constituting 55.5% of the same age group. The number of persons living in separation was relatively low (10.7 thousand men and 14.5 thousand women), reflecting the fact that courts have been pronouncing separations only since the year 2000. Partner unions of men and women numbered 198 thousand, accounting for 2.2% of all persons living in wedlock.

28. The census also illustrated the education levels of the population. Women aged 15 and above are better educated than men: 10.4% had higher education (men – 9.3%), 35.1% had secondary education (men – 27.6%). Almost twice as many men (30.1%) as women (16.9%) had basic vocational education.

29. The census revealed that the number of handicapped people in Poland is growing. The total number of handicapped persons equaled 5457 thousand (including 53% women), which meant that every seventh inhabitant of Poland was handicapped in 2002. The growth in the number of the handicapped reflects ageing of the society.

30. The census indicated that 36.9 million people (96.74% of the population) declared Polish nationality. 471.5 thousand (1.23% of the total) declared other nationalities – mainly German, Belarus and Ukrainian. 775 thousand people (2.03%) failed to identify their nationality.

Equality issues

31. In the years 1998-2002, the approach to the issues of gender equality depended on the attitude of the government in power. That was reflected by legal regulations concerning gender equality.

32. After 1997, the national mechanism for promotion of women's advancement was replaced with a mechanism of support for the family. Until the next parliamentary election in the fall of 2001, efforts to implement the provisions of the Convention were primarily connected with the activity of the Parliamentary Group of Women and NGOs. It was they who demanded various legal and institutional solutions guaranteeing gender equality. That activity enhanced women's awareness of their rights, forms of discrimination and the possibility of seeking recourse before international legal institutions.

33. After the parliamentary election in September 2001, gender equality became a priority of the SLD-UP government coalition. An effective institutional network was created to enhance the position of women through regulations compatible with the Convention. The report on implementation of article 3 of the Convention elaborates on that issue, with particular reference to the government's *National Action Plan for Women – 2nd stage of implementation for the years 2003-2005*, and the activity of the new Government Plenipotentiary for Equal Status of Women and Men.

Article 2. Obligations to eliminate discrimination

The Constitution

34. The legal status with regard to the subject matter covered by articles 32 and 33 of the Constitution concerning gender equality and banning of gender discrimination was not altered as compared with the preceding reporting period. The legal obligation to respect gender equality also stemmed from the norms of international law ratified by Poland, including the Convention. The definition of discrimination, as contained in article 1 of the Convention, may be directly applied in Poland under article 91 of the Constitution.

35. The ban on gender discrimination repeatedly served as the basis for challenging before the Constitutional Tribunal of the constitutionality of lower level regulations. Direct reference to the Convention was made by the Constitutional Tribunal in its ruling of 13th June 2000 (marked K.15/99), which ascertained that one provision of the law on *Pharmaceuticals, medical materials, pharmacies, wholesalers and the Pharmaceutical Inspection* was incompatible with both the Constitution and the Convention (the ruling is discussed in the report on article 11 of the Convention). In its judgments, the Supreme Court on several occasions also invoked international legal instruments including the Convention.

36. The Commissioner for Civil Rights Protection (ombudsman) also intervened in cases of gender discrimination – e.g. against military academies restricting women's right to education.

Ban on discrimination in labor law

37. Important changes with regard to gender equality were introduced by the law of 24th August 2001 on *Amendment of the Labor Code and certain other laws,* which entered into force on 1st January 2002. The new chapter 2a of the Labor Code titled "*Equal treatment of women and men*" (article 18^{3a} – 18^{3e}) defines indirect discrimination, appeal procedures to a labor court against a discriminatory decision, the principle that the burden of proof lies with the employer, and the principle of equal pay for equal work. In accordance with article 18^{3a} paragraph 3 "*indirect discrimination exists when disproportions in work conditions to the detriment of all employees of one sex or their substantial number cannot be objectively justified by other considerations than that of gender*". The anti-discriminatory provisions of the Labor Code (taking into account amendments made after the reporting period) are discussed in detail in the part of the report devoted to implementation of article 11 of the Convention.

Draft of Gender Equality Act

38. A draft of Gender Equality Act, tabled for the second time in 1998 by the Parliamentary Group of Women, was sent back to committee. The AWS-UW coalition government (which supported a pro-family policy at the expense of equality issues) saw no justification for the law and considered some of its provisions to be incompatible with the EU *acquis*.

39. Work on another draft did not start until after the parliamentary election in the autumn of 2001, with the Parliamentary Group of Women again sponsoring it. The draft defined discrimination as detrimental treatment of a person or a group of persons for reason of gender, and the introduction of legal regulations, actions or the application of gender criteria which carries a significantly higher threat of negative consequences for one gender. The draft also contained a definition of sex harassment as unacceptable sexually motivated behavior, infringing on the dignity of the harassed

person, or creating an atmosphere of intimidation, humiliation or hostility, when the acceptance of such behavior or its absence serves as basis for a decision affecting the harassed person.

40. The provisions of the draft dealt with equal chances of men and women in all spheres of life. With regard to public life, the draft envisaged a specific quota of places for women in collective bodies that have been elected or appointed by organs of public authority. The draft also provided for the establishment of an Office for Equal Status of Women and Men as a central organ of state administration, responsible for counteracting discriminatory practices. The draft was submitted to parliament in 2002 and the relevant legislative work is still in progress.

41. No separate institutions responsible for considering gender discrimination complaints were established during the reporting period. Such cases are subject to court jurisdiction.

Article 3. The development and advancement of women

42. As noted in the report covering the previous reporting period, in 1997 the national institutional mechanism for the advancement of women was replaced with an institutional mechanism supporting the family. In February 1997, the ruling AWS-UW coalition established the post of Government Plenipotentiary for Family Affairs, held by a secretary of state at the Chancellery of the Prime Minister. The Plenipotentiary had the basic task of initiating and coordinating state activity designed to help the family, with a traditional perception of the roles of men and women. Gender equality issues were relegated to the background and restricted to a minimum required by external factors, such as adjustment to European Union norms.

43. During preparations for the 23rd Special Session of the UN General Assembly "Beijing+5" (New York, 2000), the Government Plenipotentiary for Family Affairs drafted two documents: a response to the UN questionnaire on implementation of the Beijing Platform for Action, and a report on the subject. It pointed to government measures in support of the family, designed to enhance the independence of families, and help single mothers - by developing a network of family assistance centers. Answers to the questionnaire identified areas of gender inequality – such as women's lower salaries, their poorer access to managerial posts and the domination of women in lower-paid professions. At the same time, the government expressed its negative attitude to the draft law on gender equality sponsored by the Parliamentary Group of Women, since its envisaged provisional privileges for women at the expense of men (quota system). In the above-mentioned report, the pro-family policy of the government (endorsing a traditional model of the family) was portrayed as supportive of gender equality and thus compatible with the guidelines of the Beijing Platform for Action.

44. In February 2001, the government obligated the Government Plenipotentiary for Family Affairs to undertake preparatory work for the establishment of a government administration branch dealing with family affairs[1]. At the same time, the implementation was suspended of a program titled *Against violence – for equal opportunities,* which had been adopted by the previous government.

45. A significant change occurred after the parliamentary elections in September 2001, won with a large majority by the SLD-UP coalition. The new government – fulfilling its election promises and bowing to the pressure of women's organizations - established the office of Government Plenipotentiary for Equal Status of Women and Men (ordinance of the Council of Ministers of 20th October 2001). Originally, the government draft envisaged situating the Plenipotentiary in the Ministry of Labor and Social Policy with the rank of secretary of state. However, women's organizations feared that that would restrict the competencies of the Plenipotentiary. Under pressure from women's NGOs, the Council of Ministers finally appointed a Government Plenipotentiary for Equal Status of Women and Men in the framework of the Chancellery of the Prime Minister. The very name of the office reflected a different approach to gender issues. The Plenipotentiary's main task was implementation of the constitutional principle of gender equality, including struggle against discrimination of women in the workplace, suppression of family violence and assistance for its victims, continuation of *The National Action Plan for Women*, invigoration of public dialog and collaboration with NGOs.

46. On 25th June 2002, the Government extended competencies of the Plenipotentiary to counteracting discrimination for reason of race, ethnic origin, religion, age and sexual orientation. The Plenipotentiary was also instructed to begin preparations for establishment within the government

[1] Ordinance of the Council of Ministers of 9th February 2001 concerning the Government Plenipotentiary for Family Affairs.

administration of a central office (ministry) dealing with those issues, and to draft the relevant legislation. Also, plenipotentiaries of voivodes for equal status of women and men were being gradually appointed.

47. The Plenipotentiary established a Consultative-Programming Council, comprised of academic experts and NGO representatives, who provide advice on various key undertakings and tasks.

48. From the very beginning of the existence of the office, the Plenipotentiary has acted to ensure fulfillment by Poland of its treaty and convention obligations. One of the first tasks of the Plenipotentiary was the drafting of the second stage of *The National Action Plan for Women* – to be implemented in the years 2003-2005. The Plan envisages a comprehensive approach to solving the problems of women. It addresses different spheres of women's activity, and is primarily addressed to the central and local government administration. It provides for an open formula of public dialog, and the implementation of its goals in collaboration with scientific institutions, NGOs, local self-government, the trades union and the media. It is an attempt at gender mainstreaming – that is introduction of the goal of gender equality into all government policies, at all levels. That is to be facilitated by the establishment of organizational units in central and regional government institutions responsible for monitoring implementation of the principle of gender equality. The Plan was adopted on 19th August 2003 as a government document.

49. The structure of *the National Plan* mirrors the structure of *the Beijing Platform for Action* – with each chapter devoted to a different sphere of life (e.g. health, education, business activity). Each defines strategic goals, attainment of which will further the policy of gender equality. The Plan situates the principle of fulfillment of women's rights in the context of human rights, through the implementation of international instruments of human rights protection, including regulations on women and on creation of equal opportunities for men and women. The goals of the *Action Plan* will be presented in detail in reports on other articles of the Convention.

50. The Plenipotentiary conducted analyses of legislation with a view to gender equality, and submitted motions concerning amendment of discriminatory provisions. During works on the government report for 2001 concerning the implementation of the law on *Family planning, protection of the human fetus and conditions of permissible abortion*, the Plenipotentiary pointed to its flawed operation, failure of the health service to perform abortions in permissible circumstances, restricted access to prenatal testing and contraceptives, and absence of classes in public schools on human sexuality.

51. The Plenipotentiary participated in the work of inter-ministry panels, was involved in government legislative work, and in measures to promote gender equality in the workplace, suppress human trafficking and so on. The Plenipotentiary organized seminars and conferences on gender equality in the labor market, on education and women's health, on women's involvement in decision-making. The Plenipotentiary also financially supported research into the situation of women in Poland. The research results are being published, enhancing government and public knowledge about the rights of women. The Plenipotentiary also finances publications promoting women's rights and gender equality in such areas as the labor code, parity, equality and tolerance in textbooks, international health standards , sexual minority rights and in vitro fertilization.

52. Since August 2003, the Plenipotentiary - along with twinning partners from European Union member states – has been implementing a project titled "Enhancement of policies on equal treatment of women and men" (Phare 2002), which includes an analysis of the national needs in the area of information, statistics and research dealing with gender equality, and the identification of gaps in

national statistics concerning economic, social and political life. The project envisages training for employees of the central and local administration, labor inspectors, police, the judiciary, employment offices, trade unions and NGOs. The work will result in the creation of a national system monitoring the implementation of the policy of gender equality.

53. The Plenipotentiary's activity will be discussed in detail in the reports on other articles of the Convention.

Article 5. Sex roles and stereotyping

Sex roles and stereotyping

54. The reporting period saw political changes that had significant impact on state policy in the area of stereotyped perception of the roles of women and men, prevention of discriminatory practices and implementation of a modern family policy. The intensive process of legislative changes stemming from the process of integration with the European Union contributed to those changes.

55. Some of the legislative changes were introduced by the government and parliament during the 1997-2001 term. The most important among them was the supplementing the Labor Code with Chapter 2a "Equal treatment of women and men" (see article 11). The adoption of that regulation has had crucial significance for changing the stereotyped perception of the professional situation of the sexes, and most of all – for suppression of discriminatory practices in the labor market. The next government added other categories of discrimination to the labor law, and a detailed definition of sexual harassment in the workplace – in accordance with EU directives.

56. The Government Plenipotentiary for Equal Status of Women and Men since the very beginning of her activity – i.e. from November 2001 – has taken measures to ensure:

- elimination of harmful stereotypes in the areas of division of social and family roles of men and women,
- introduction into schools of classes on human sexuality and effective contraception, promotion of responsible attitudes to family planning and a partner-like model of the family.

The Plenipotentiary has organized conferences and seminars at the national and international level, has prepared publications (leaflets and brochures), and has collaborated with the competent ministries on all those issues. She also has conducted publicity campaigns, such as the presentation of "Glasses of Equality" awards to persons and institutions committed to gender equality, and of anti-awards ("Referral to the Eye Doctor") for those who fail to notice the problem.

57. The tasks elaborated in *The National Action Plan for Women – 2nd stage of mplementation for the years 2003-2005* regarding the promotion of gender equality and non-stereotyped presentation of women in the mass media are being implemented *inter alia* in the framework of the Phare 2002 Project "Enhancement of policies on equal treatment of women and men". Conferences and training for media representatives on gender equality in decision-making and women's rights are being organized under the auspices of the Plenipotentiary, in cooperation with the National Council of Radio and Television and the Gender Equality Center of Roskilde University in Denmark.

58. The year 2002 witnessed the entry into force of an ordinance by the Minister of National Education and Sport concerning a new curriculum for the school subject called "Preparation for life in the family" (human sexuality, contraception, tolerance, responsible sexual attitudes). The issue is discussed in the report on article 10 of the Convention.

Violence against women

59. No significant changes occurred during the reporting period in the regulations on violence in the family. The former article 184 of the Penal Code on the maltreatment of a family member was replaced by article 207 with an additional paragraph on maltreatment with exceptional cruelty, which

carries a prison sentence of up to ten years. On the other hand, the penalty for rape has been lowered. Now, the crime can be punished with one to ten years' prison sentence, while qualified rape can be punished with a prison sentence of between two and twelve years.

60. As indicated in the combined report 4-5, the implementation was suspended in the years 1997-2001 of both *The National Action Plan for Women* and the program *Against violence – for equal opportunities,* dealing with assistance to female victims of violence. At that time, the Government Plenipotentiary for Family Affairs was promoting a model of a traditional, patriarchal family, in which the interests and rights of the family members were subordinated to maintaining the unity of the family, also in the case of families afflicted with violence.

61. Data supplied by the National Headquarters of the Police indicate that in 2001 the victims of family violence included 66991 women, 5,589 men, 20,305 children up to the age of 13, and 14906 minors aged 13 to 18. Work to protect victims and counteract violence was primarily conducted by NGOs. They organized educational campaigns, also in the public media, to raise public awareness of violence in the family, and developed a network of victim-assistance centers.

62. Undertakings connected with the procedure of Blue Cards (described in detail in report 4-5) were continued during the reporting period. Domestic violence training was provided to police officers from practically all Voivodship Police Headquarters. But due to the above-mentioned ideological attitude to the discrimination of women (the Government Plenipotentiary for Family Affairs repeatedly denied its existence), actions were directed at the eradication of alcohol abuse, drugs addiction and homelessness – which were identified as causes of violence. Their elimination was supposed to cure the family and eradicate domestic violence. In consequence, state and self-government funds were primarily channeled for the suppression of addiction. NGOs, which pointed to gender discrimination as the main cause of violence against women, were denied adequate public funding. Detailed data on domestic violence is presented in tables A.5.1 and A.5.2 (annex).

63. The Ministry of Interior and Administration and the Ministry of Justice jointly drafted *the Polish Charter of Victim's Rights* – a document of considerable importance from the point of view of violence victims. It reviews victims' rights and quotes key Polish and international legal regulations. The Charter also contains a listing of organizations providing assistance to violence victims. In late 2001, the new government initiated moves against domestic violence. Work began on *the Program of Preventing and Suppressing Crime,* with domestic violence among its priorities.

64. Since 2002, the Government Plenipotentiary for Equal Status of Women and Men has organized a campaign titled "Zero tolerance for violence". The campaign is held during the Days Against Violence to Women. In 2003, the campaign was held under the auspices of the Prime Minister. The Premier also appeared in a TV spot concerning violence against women, which was repeatedly broadcast by public television. Many conferences, seminars and marches were held to protest violence against women.

65. Combating of violence is also part of *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005.* In 2003, work was resumed on a law to protect the victims of domestic violence. Government plans for 2004 envisage incorporation into Polish law of regulations providing for the eviction of perpetrators of violence, and preventing them from approaching the victims or witnesses of violence.

Article 6. Exploitation of women

66. As compared with the previous reporting period, the estimated number of women prostitutes in Poland decreased from 13,500 in 1997 to 7,000 in 2001 – and has remained at that level. The reduction has resulted from police operations and smaller demand, caused by the economic downturn. About 50 % of the prostitutes are foreign nationals.

67. At the same time, international organized crime has become involved in the transfer of women for prostitution outside Poland. The target countries include Germany, Holland, Belgium, Austria, Switzerland, Spain, and even Israel and Japan. Poland, which initially was the place of origin of the victims, has become a transit country in human trafficking. According to a May 2003 report of the UN Office on Drugs and Crime, Poland – along with Hungary and Serbia-Montenegro – is one of the leading transit countries. The female victims are usually recruited through employment ads or marriage offers, and then transferred and sold to night clubs and brothels (both legal and illegal) in Western Europe.

68. Growing numbers of women are also being brought in to work in Poland in brothels that are either illegal, or operating under the cover of escort agencies. These are Romanians, Ukrainians and nationals of the former Soviet republics – mainly Ukraine. Some of them ply their trade along highways, usually in border areas.

69. In September 2003, the OBOP poll organization published the results of a survey titled "Why prostitution - free choice or necessity?" – which showed that 61.3% of the women were forced into prostitution by poverty. Some 30 % wanted to raise their living standards, while 2.8 % were coerced. The respondents included both Poles and aliens. Two-thirds of the polled women treated prostitution as a temporary occupation, the goal being to acquire funds, resolve current problems (31%), or save money for other reasons (34%). One woman in every four worked as a prostitute because that was the only way for her to earn a living. Only 4% of the respondents treated prostitution as a permanent occupation which they would like to practice as long as possible.

70. Since prostitution is not penalized in Poland, police work is primarily designed to identify persons profiting from the prostitution of others or organizing transfers of women abroad, and to determine places where prostitutes converge. In the cases of foreigners, police check the legality of their stay in Poland. Law-breakers are either fined or deported. The vague legal status of prostitution is a factor facilitating trafficking in women. While prostitution is not penalized – it is not legal, either.

71. As compared to the previous reporting period – amendments have been introduced into the Penal Code, consisting in a more precise terminology and changes in the penalties envisaged for the different categories of crimes connected with the exploitation of prostitution and trafficking in humans. The crime under article 9 paragraph 1 of the Penal Code of 1969 , consisting in the delivery, enticement or abduction of a person for the purpose of prostitution, even with her consent, has been incorporated into article 204 paragraph 4 of the New Penal Code. However, the two formulations are not identical. The words "even with her consent" have been omitted in the current code, to avoid the implication that it would be possible to abduct someone with that person's consent. In the case of exploitation of prostitution with the consent of the victim – the perpetrator is liable to imprisonment of up to 3 years, while enticement or abduction carries the maximum penalty of ten years.

72. In addition to the regulations mentioned above, a key role is played by article 253 cf the new Penal Code which stipulates that trafficking in humans carries a minimum penalty of three years in prison, regardless of the purpose of the crime or possible consent of the victim. However, in most

instances there is an accumulation of charges - with simultaneous application of article 204 paragraph 4 and article 253. As a result, trafficking is committed for the purpose of prostitution, and in sentencing the perpetrator the court may order the additional penalty of loss of public rights.

73. Trafficking in women and exploitation of prostitution does not account for a substantial proportion of crimes committed in Poland. In 1998, the police reported 52 crimes connected with abduction and enforced prostitution, 18 cases of trafficking in women and 2 cases of trafficking in children. The police detained 52 suspects, including 12 women. The crime statistics since 1999 are as follows:

Legal qualification	Initiated proceedings 1999-2002	Proceedings concluded 1999-2002	Legally binding convictions 1999-2000
Abduction with the purpose of prostitution (article 204 of the CC)	23	34	144
Trafficking in humans (article 253 § 1 of the CC)	34	38	5

However, information from various sources – including NGOs – indicates that these statistics show only the tip of an iceberg. With that in mind, the Polish government has placed strong emphasis on measures designed to suppress such practices and any other forms of modern slavery. Work is proceeding on strategies of domestic undertakings and international cooperation.

74. In 2001, the Republic of Poland ratified the UN Convention against Transnational Organized Crime. On 18th December 2002, the Sejm (lower house of parliament) authorized the President to ratify two additional protocols to the Convention (Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea).

75. Pursuant to the provisions of the Polish Constitution, it will be possible to apply the Palermo Protocol definition of trafficking in persons directly in Polish law. The ratification of the Protocol also means that every crime committed under article 204 paragraph 4 of the CC will also fall under article 253 of the CC.

76. Poland has supported the Council of Europe initiative to draft a European Convention against Trafficking in Persons. Since September 2003, Polish experts have been involved in the works of the special CAHTEC committee preparing a draft of the convention.

77. In Poland, trafficking in persons and other related crimes are prosecuted *ex officio*. Pursuant to article 53 of the Code of Penal Proceedings, victims of crimes subject to *ex officio* prosecution may act as auxiliary prosecutors, alongside public prosecutors, with all the rights envisaged by the CCP. Also, in the case of such crimes as trafficking in women, the victim may be supported by a social representative. Pursuant to article 90 paragraph 1 of the CCP, the participation of a social representative is possible when the need arises to protect public interest or important private interest, such as protection of liberty and human rights. The representative of a social organization may participate in the court proceedings, address the court and submit statements in writing.

78. In cases concerning trafficking in women, the victims – after giving testimony during the investigation – usually return to their native country and there is no guarantee that they will return to testify again in court. Hence the importance of article 316 paragraph 3 of the CPP, which provides for

the possibility of the court taking testimony from a witness at the stage of preparatory proceedings. That article had been applied 12 times by September 2002, including 8 times in 2001[2].

79. It is the rule that the defendant has the right to be present during the presentation of all evidence. However, court proceedings envisage the possibility of the victim testifying in the absence of the accused. If the presence of the accused could be intimidating to the victim, the presiding judge may order the removal of the accused from the court room during the victim's testimony. After the return of the defendant, the judge informs him about the proceedings in his absence and allows him to comment on the testimony received in his absence.

80. In addition to the described legal solutions enhancing the position of the victim, the Code of Penal Proceedings also contains the institution of incognito witness (article 184 of the CPP) – meaning that the witness remains anonymous. The anonymity of a witness is ordered by the court, and during preparatory proceedings – by the prosecutor. The institution of anonymous witness is applied when there are justified grounds to expect that the life, health, freedom or property of the witness or his closest of kin could be under threat. The institution of incognito witness is rarely used to protect crime victims, since the perpetrator knows what crime he has committed and against whom. In the years 1995-2001, the institution of incognito witness was applied only in 9 cases (including 4 times to protect the victim).

81. When the victim is an alien, her stay in Poland may be legalized (issuance of a limited-term visa) in order to allow her to give testimony against pimps, procurers, panderers and traffickers in persons (Article 14 of the Law of 25th June 1997 *on aliens*).

82. In 2001, the governments of the Republic of Poland and the Czech Republic signed a Program of cooperation with the UN Office of Drug Control and Crime Prevention (UN Center for International Crime Prevention) on "Criminal justice response to trafficking in human beings in the Czech Republic and Poland". In order to implement the Program, scheduled for 18 months, an intra-ministry task group was established, including representatives of the Ministry of Interior and Administration, the Police (prevention and criminal branches), the Border Guard, the Office for Repatriation and Foreigners, the Ministry of Justice (court and prosecution branches), the Ministry of Foreign Affairs, the Plenipotentiary for Equal Status of Women and Men, NGOs ("La Strada") and academic communities involved in research on human trafficking and prostitution. The program had the following objectives:

- review and assessment of the existent legislation in the light of the Palermo Protocol,
- collection of basic data, determination of the main trends in human trafficking, and assessment of the methods and means being applied,
- creation of an integrated data base on human trafficking in Poland,
- strengthening of the institutional potential of the judiciary in order to boost the effectiveness of prosecution and enhance the protection of victims and witnesses,
- upgrading of international cooperation.

[2] In the context of the problems connected with the absence of victims during court proceedings, particular importance should be ascribed to an amendment of the CPP (Article 177 § 1a, entered into force on 1st July 2003) which envisages the possibility of the examination of witnesses in their absence, with the use of technical devices. Also, in such cases there is always the possibility of seeking legal aid.

83. In the course of the implementation of the Program, work was initiated on a model of protection for victims-witnesses. It envisages enhanced protection of the victim-witness during the investigation through application of appropriate procedures and technical means (reduction of the number of interrogations, use of protective measures). There are plans to create a list of institutions and NGOs authorized to help the victims (witnesses) of trafficking in persons, and also the implementation of programs facilitating the victim's return to normal life.

84. The working group drafted *The National Action Plan for Prevention and Suppression Trafficking in Human Beings* – which was adopted by the government on 16th September 2003. Its implementation is scheduled for one and a half years. Its main tasks include establishment of a system of collaboration between the institutions involved in the suppression of trafficking in persons, legislative changes, improvement of effectiveness and strengthening of the protection of witnesses and victims. The program was prepared in close collaboration with NGOs (prominently including "La Strada"), and will be implemented in the same way.

85. *The National Action Plan for Prevention and Suppression Trafficking in Human Beings* is a component of the *Program of Enhancement of the Security of Citizens "Safe Poland"*, adopted by the government in August 2002. It contains a strategy for combating crimes against women – including trafficking. It is concordant with the strategies of prosecution and punishment of crimes against women , as well as educational, social security, medical and legal aid programs for women contained in *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005.*

86. Following Poland's accession to the European Union, government actions take into account the Community *acquis*, including Council Directive 2002/90/CE defining facilitation of unauthorized entry, transit and residence, framework decision 2002/946/JHA on strengthening the penal network to prevent facilitation of unauthorized entry, transit and residence, Council framework decision (under preparation) against child pornography and the *Comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union.*

The Police and Border Guard

87. Since 1998, the coordination of measures connected with the prevention and suppression of trafficking in human beings and related crimes has been handled by the Team for Social Pathologies of the Criminal Section of the Bureau of Criminal Service of the National Police Headquarters. In local police stations - the corresponding duties are the responsibility of designated officers.

88. The Police have undertaken various measures to reduce the exploitation of prostitution and trafficking in human beings, especially women:

- national or regional operations are conducted jointly with the Border Guard to prevent or detect such crimes. Officers control the legality of stay of foreigners in Poland – conducting such checks along transportation routes, in border areas and central voivodships (provinces). Border Guard officers also control escort agencies in border regions to determine if the aliens working there have legal status;
- in 2001, the National Police Headquarters prepared *the Police Program of Support for Crime Victims*, in the framework of which officers are trained to be sensitive to the needs of women and children, social rehabilitation is offered to victims and perpetrators, and collaboration is maintained with NGOs and state institutions;

- in 2002, the Criminal Section of the Criminal Service Bureau of the National Police Headquarters drafted a set of instructions for officers involved in combating prostitution-related crime and the use of the Internet to spread child pornography.

89. Since 2000, the Border Guard has collected statistical data concerning crimes under article 253 paragraph 1 of the CC (trafficking in human beings). The data illustrate the number of detainees, the number of investigations, the number of suspects and the results of the investigations.

90. The cooperation of the Police and Border Guard with the "La Strada" Foundation deserves particular praise. Police officers have repeatedly taken part in conferences and seminars organized by the foundation, often as speakers. There is an ongoing exchange of information about women forced into prostitution. The Police have also become involved in "La Strada" information campaigns – such as a program designed to prevent trafficking in Central-Eastern Europe. Police officers have acted as lecturers at international training courses for officers from that region of Europe. Officers of the Border Guard have also been involved in "La Strada's" information campaign – distributing leaflets and posters.

91. The international character of the exploitation of prostitution and trafficking in persons makes it imperative to maintain an ongoing international cooperation. International exchange of police information is conducted by the International Cooperation Bureau of the National Police Headquarters. Police representatives are involved in the work of an international group, founded in 2000 by the General Assembly of Interpol (ResolutionAGN/69/RES/3) to counteract trafficking in women, and in the work of an experts' group against trafficking in women, set up in the framework of the Operative Committee of the Task Force on Organized Crime in the Baltic Sea Region (BALTKOM). Cooperation within Interpol is also directed at suppression of trafficking in persons.

92. A tripartite Polish-Czech-German working group on cooperation in combating trans-frontier crime was established in March 2002 in Prague. Poland is also a party of various bilateral agreements designed to suppress organized crime.

Article 7. Political and public life

Participation in elections

93. In the parliamentary election of 2001, three parties – the SLD, the UP and the UW introduced a quota system, reserving 30 % of the places on their lists of candidates for women. That highlighted the issue of the participation of women in democracy in the campaigns conducted by those parties. The election of women candidates was supported by various women's organizations. In early 2001, the Pre-Election Coalition of Women was established. It was a non-political alliance of some 50 women's organizations, sharing the goal of getting as many women deputies into Parliament as possible and wishing to sensitize the public to gender equality issues. Intra-party groups of women were founded within the SLD, UP, UW and PSL) to seek prominent representation of women on party lists.

94. The results of the 2001 election demonstrated public support for a greater role of women in political life. Seats in the Sejm (lower house of Parliament) were won by 93 women – which accounts for 20 % of all deputies (women accounted for 13 % during the previous term). In the Senate, women hold 23 % of the seats (previously – 13 %). Of the 8272 candidates contesting the election – 1882 (23 %) were women.

In the respective caucuses, women were represented as follows:

- Labor Union (UP) – 31 % of the 16 seats,
- League of Polish Families (LPR) – 26 % of the 38 seats,
- Democratic Left Alliance (SLD) – 23 % of the 200 seats,
- Civic Platform (PO) – 20 % of the 65 seats,
- Self-Defense – 17 % of the 53 seats,
- Law and Justice (PiS) – 14 % of the 44 seats,
- Polish Peasant Party (PSL), German Minority - none of the 44 seats.

95. The significant rise in the number of women deputies was not translated into their assumption of top parliamentary posts. There are no women in the top bodies of the Sejm, and there is only one woman deputy-speaker in the four-person presidium of the Senate. Only 3 women chaired any of the 25 standing Sejm committees, with 14 women acting as deputy-chairs. The Senate established 13 committees which had two women chairpersons and one woman deputy-chair.

Women in political parties

96. During the reporting period, political parties did not collect data on the numbers of their women-members. However, the information on the gender composition of their leadership organs showed that women constituted a tiny minority. No woman was a party leader (three were deputy-chairs). Detailed data is presented in table A.7.1. (annex).

Women in decision-making bodies

97. As the result of the 1998 self-government elections, council seats were gained by about as many women (average of 13.86 %) as in the 1994 election (average of 13.2 %). The female representation at the local level increased in consequence of the 2002 poll, though to a smaller extent than in parliament.

Self-government level	1998	2002
Voivodship assembly	11%	14%
Powiat council	15%	16%
Gmina council	16%	18%
Gmina head, mayor, city president	Indirect election	7%

98. During the reporting period, six women held cabinet-level posts:

- In the government of Premier Jerzy Buzek: Minister of Finance (2001), Minister of Health (later – Minister of Health and Social Welfare, 1999-2000), Minister of the State Treasury (2001);
- In the government of Premier Leszek Miller – Minister of National Education and Sport (from 2001) and Minister of Justice (2001-2002), Government Plenipotentiary for Equal Status of Women and Men (from 2001).

Women also held other top state posts:

President of the National Polish Bank (1992-2000, appointed by Parliament)

General Inspector for the Protection of Personal Data (from 1998, appointed by the Sejm with the consent of the Senate, reappointed on 26th April 2002 to another four-year term).

99. Among the 90 persons holding top state posts (in the Chancellery of the Prime Minister and the ministries) – 22 % were women. Among the 16 voivodes (i.e. heads of voivodships – or provinces) – 1 was a woman; among the 22 vice-voivodes – 6 were women. Of the 57 analyzed central offices – 10 (17 %) were headed by women, while another 15 (26.3 %) had women in the top leadership.

100. During the reporting period, the percentage of managerial posts held by women was generally rising. For example, at the Ministry of National Education and Sport it increased from 38 % in 1997 to 52 % in 2001. At the Ministry of Economy – the share of women in all groups of managerial posts rose during the 1998-2001 period: from 30 % - to 39 % among top managers, from 60 % - to 67 % among middle-level managers, from 47 % - to 50 % among junior managers. At the Central Statistical Office and its subordinate units – in 2003 women held 70 % of all the managerial posts.

101. At the National Statistical Office, the percentage of women-managers increased from 48 in 1997 – to 55 in 2001, at Treasury Offices – there were 24 % of woman managers in 1997 – and 35 % in 2001, while at Treasury Control Offices – the corresponding percentage decreased from 45 in 1997 to 41 in 2002.

102. In the judiciary – as illustrated by the following data – women dominate among judges, court presidents and vice-presidents, especially in lower-level courts. However, the rule persists that the

higher the post – the fewer women holding it, with women constituting a small minority of judges in the Constitutional Tribunal and in the Supreme Court.

Court	Number of judges	Woman judges	Woman presidents	Woman vice-presidents
Constitutional Tribunal	13	15.4%	None	none
Supreme Court	88	8.3%	None	none
Appeal courts	380	56%	30%	30%
District courts	2300	60.9%	26.9%	41.5%
Regional courts	5171	66.3%	50.5%	55.4%
Total		64.2%	47.1%	52.2%

103. During the 1998-2002 period, there was a steady fall in the number of female civilian employees of the military: from 51.6% – to 45.4%. Among career non-commissioned officers, warrant officers and officers – women in 2002 constituted less than one percentage point of the total.

104. There were few women in the leaderships of institutions independent of the government:

- Council of Monetary Policy – 1 woman (out of 9 members)
- National Broadcasting Council – 1 woman (out of 9 members)
- Supreme Chamber of Control – no women in the leadership.

A survey on the participation of women in social and public life, commissioned by the Chancellery of the Sejm, revealed that women are either under-represented or absent in many decision-making bodies.

National Action Plan for Women – 2nd stage of implementation

105. *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005* in the chapter on "Participation of women in public authorities and decision-making" provides a number of measures designed to ensure equal participation of women in decision-making bodies. These include:

- compilation of a detailed report on managerial appointments (indicating the sex of each official) in government, units of public administration, self-government bodies, parliament and political parties;
- elaboration of appointment criteria to managerial posts in the civil service and public sector, ensuring gender equality;
- designation of persons responsible in government administration units for monitoring of gender equality in the access to managerial posts;
- promotion of a balanced participation of men and women in government and self-government bodies;

- preparation of women for managerial positions in economic decision-making structures through training - with emphasis on leadership traits, goal orientation, managerial skills and self-improvement.

Women's movement

106. In 2000, there were 70 organizations and associations, which had over 200 local branches, 4 budgetary units mostly financed by self-governments, 12 foundations, 6 religious associations and unions, 6 trade union and party groups with 63 local branches, 7 research centers conducting gender studies and 4 foundations with programs for women. In the spring of 2002, the office of the Government Plenipotentiary for Equal Status of Women and Men drafted the rules for co-financing by the Plenipotentiary of projects submitted by women's organizations. That fulfilled a long-standing postulate of those organizations for regular and predictable financial support of the government.

107. During the reporting period, women's organizations became a valuable partner for the government – thanks to their data bases and experts specializing in women's issues. They were active on the international scene, preparing a number of "shadow reports" on international convenants and conventions. The organizations were particularly active in the area of women's rights , employment, violence against women, participation in public and political life and issues connected with Poland's accession to the European Union. There was more cooperation among the organizations themselves.

108. The activity of women's organizations and groups is supported by the Government Plenipotentiary, who twice a year announces call for proposals in the area of gender equality and women's rights. The rules of cooperation between public administration and NGOs is elaborated in the law on *Activity pro bono publico and volunteers.* Such activity includes "promotion and protection of the rights of women and activity in support of gender equality" (article 4 paragraph 1 point 8 of the law).

Article 8. International representation and participation

109. During the reporting period, the employment of women at the headquarters of the Ministry of Foreign Affairs was as follows:

Year	Percentage of women employed at the MFA headquarters	Percentage of women holding managerial posts
1998	42.1%	6.2%
1999	44.2%	5.5%
2000	44.3%	5.6%
2001	45.6%	4.6%
2002	44.6%	8.8%

110. In the years 1991-1997, the MFA employed 210 women and 264 men, while in the years 1998-2001 – 153 women and 169 men. From 1998, the intake of new employees is conducted on a competitive basis. Since 1990, the number of women applying for jobs has been rising – along with their qualifications. As a result, the ratio between men and women employed has significantly improved.

111. The following table illustrates the employment of women at Polish diplomatic and consular missions abroad:

Year	Percentage of women employed in foreign missions	Percentage of female mission heads
1998	45.7%	8.5%
1999	46.8%	7.5%
2000	45.8%	10.4%
2001	48.2%	12.1%
2002	49.3%	10.2%

The share of women employees in the diplomatic service is growing steadily and consistently. The share of women holding the posts of mission heads is also rising, though it is still below the average for the top managerial posts in the state administration in Poland (in 2000, women held 31 % of the managerial posts in the public administration).

112. Though during the reporting period Poland did not collect full data on the number of women-members of delegations representing Poland on the international forum, fragmentary data provided by certain institutions (i.e. the Ministry of Finance, Ministry of Economy, Labor and Social Policy, Ministry of National Education and Sport, Central Statistical Office) indicate that the participation of women in such delegations was high – and rising (48.4% – 56.1%), with an average of 51% for the period 1998-2002. Source data is provided in table A.8.1. (annex)

113. The share of women among Polish nationals employed at the UN Secretariat is presented below:

1998 – 39 persons, including 11 women (28 %)
1999 – 36 persons, including 11 women (31 %)
2000 – 38 persons, including 14 women (37 %)
2001 – 46 persons, including 14 women (30 %).

In the years 2001-2002, Danuta Huebner of Poland served as Undersecretary-General of the UN.

114. The government has not drafted its own rules for recruitment to UN bodies. In 2002, the MFA began work on a roster of candidates for employment at the UN. During the reporting period, Poland did not collect data on the sex of persons employed at international institutions.

Article 9. Nationality

115. In the years 1998-2002, issues pertaining to nationality were regulated by the law of 15th February 1962 (Journal of Laws No. 10, item 49 with subsequent amendments) *on Polish citizenship*, which was amended under the law of 14th July 1998 *on the amendment of certain laws defining the competencies of organs of public administration – in connection with the systemic reform of the state.* It introduced, effective 1st January 1999, uniform regulations concerning the right of acquisition of Polish citizenship by foreign spouses of Polish nationals. In accordance with the new wording of article 10 of the law on *Polish citizenship* (Journal of Laws of 2000, No.28, item 353) "a foreigner, granted permission to settle on the territory of the Republic of Poland, who has remained in wedlock for at least 3 years with a person holding Polish citizenship, acquires Polish citizenship on condition of submitting an appropriate statement to a competent organ within the stipulated period of time, provided the organ in question issues a decision confirming reception of the statement".

116. Also amended was article 11 of the law, which regulated a simplified procedure for the restoration of Polish citizenship to women. It stipulated that a woman who had lost her Polish citizenship by obtaining foreign citizenship through marriage with a foreigner, could regain Polish citizenship, following the termination of such marriage, by submitting an appropriate statement to a competent organ. In the amended version, the word "woman" was replaced by the word "person", thus equalizing the rights of men and women to regain Polish citizenship in simplified procedure. Under the amendment, article 14 concerning simplified procedure for the loss of Polish citizenship, was removed from the law.

117. The remaining regulations, referred to in Report 4 and 5, remain unchanged.

Article 10. Education

118. Before the school reform, the system of education in Poland was based on an eight-year primary school and four-year general secondary school or five-year vocational school. The reform of the education system in the years 1998-2001 led to the introduction of a six-year primary school, followed by a three-year grammar school and three-year general or profiled secondary school, or four-year vocational school (Journal of Laws of 1998, No. 117, item 759). Due to the recent timing of the reform, no in-depth analyses on its effects are yet available. With regard to article 10 of the Convention, the issues discussed below have undergone changes.

119. Curricula and school textbooks are approved on the basis of reviews by experts (Ordinance of the Ministry of National Education and Sport of 15 February 1999 *concerning the conditions and procedures for the approval for school use of curricula and textbook and for the recommendation of didactical aids*, Journal of Laws of 1999 No.14, item 130). Each review must contain an assessment of the compatibility of a textbook's content with international conventions ratified by Poland. That also applies to gender equality, which is designed to eliminate stereotyping of women. According to the experts, the textbooks approved after 10th March 1999 do not infringe the principle of equality and partnership – so there is no need for revision of the textbooks.

120. In October 2000, the Government Plenipotentiary for Equal Status of Women and Men organized a conference on "Equality and tolerance in textbooks". Participants presented analyses of school curricula and textbooks with a view to their dominant content – with special reference to tolerance and equality. After the conference, a working group compiled its conclusions which were conveyed to the Ministry of National Education and Sport. They postulated, among others, the drafting of a list of criteria and standards pertaining to gender equality , to be used by Ministry experts to evaluate curricula and textbooks and create training programs for teachers.

121. Before 2001, funds for material aid to children from the poorest families - granted in the form of social stipends, accommodation in dormitories, meals and compassionate grants - were paid out of a state budgetary reserve established to reduce poverty among children and youth. An additional budgetary reserve of similar value (equivalent of 6.9 million US dollars), allocated for aid to rural youth, was set up in the state budget for 2000. Starting in 2001, funds for material aid to children from poor families were included in the education segment of the general subsidies. 2001 witnessed the introduction of algorithmic calculation of the educational subsidy for so-called poor units of local self-government (adjustment subsidy) in which the per capita income was below 60 % of the national average. That form of aid was also continued in 2002.

122. Girls constituted 63% of the pupils awarded stipends of the Prime Minister in 2002 for outstanding achievements in school. Girls also scored better in the external exams, introduced in the system of education.

123. The sex structure of school pupils reflects the structure of the population in general in the given age group, with 94 girls for every 100 boys in primary schools, and 95 girls for every 100 boys in grammar schools. The sex ratio of pupils differs in above-primary schools - depending on the type of school. Girls were in clear majority in general secondary schools, with 215 girls for every 100 boys in the 1995/1996 school year, and 164 girls for every 100 boys in the 2002/2003 school year. There was an average of 52 girls for every 100 boys in basic vocational schools. The share of women among the students and graduates of higher schools in the 1999/2000 academic year is presented in table A.10.1 (annex).

124. In the years 1998-2000, girls accounted for 46.7% of the pupils (49.6% of the graduates) of secondary vocational schools, and for 23% of the pupils (24.9% graduates) of technical secondary schools. Data on the sex of school-goers is presented in table A.10.2 (annex).

125. In 2000, women accounted for 57% of the students of higher schools and 64% of the graduates. 38% of all academic teachers were women. According to a survey of education employees – in the 2000/2001 school year, women accounted for 78% of all teachers, and for 73% of school principals or deputy-principals. As compared with the school year 1998/1999 – the number of women teachers and principals increased by 0.5%.

126. Female graduates outnumber male graduates in nearly all types of higher schools, except military academies and theological schools. The recruitment of women to military academies is conducted according to the same criteria as in the case of men (law *on military service of career soldiers*, Journal of Laws of 1997, No.10, item 55). In 1999, enrolment in military schools of various levels was added to the options women had for joining the military. Before that, women could join the military by using the so-called special procedure – which allowed the armed forces to acquire the specialists they needed. Work is progressing on the definition of physical fitness standards for women applying to join military academies. In 2002, there were 183 women in all the military academies in Poland.

127. In the years 2001-2003, a pilot program of aid to the Roma community was implemented in Malopolskie voivodship. Its goals included support for the education of Roma children, and in particular - prevention of abandonment of schools by Roma girls. The experience obtained during that project served as the basis for a nation-wide program of assistance to the Roma community – which was launched on 1st January 2004, and will continue until 2013. The program is coordinated by the Ministry of Interior and Administration.

128. The amended law *on family planning, protection of the human fetus and conditions of permissible abortion* envisages the introduction of a school subject called "Education for life in the family". In 2002, the Ministry of National Education and Sport issued an ordinance called *Program basis of preschool education and general education in the respective types of schools* which introduced the subject into school curricula, with the relevant classes not only including basic information about human sexuality, but also addressing such issues as contraception, tolerance and responsible sexual attitudes.

129. The Ministry of National Education and Sport extended the list of experts reviewing new textbooks designed to provide modern knowledge on human sexuality. Participation in the classes on "Education for life in the family" is neither obligatory nor graded, and parents or legal guardians have to express their consent. The teachers of this subject are selected on the basis of general criteria that do not include gender. The curriculum for pupils above the grammar-school level is neutral from the world outlook point of view and contains up-to-date information on contraception.

130. In the area of education, *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005* (adopted by the government on 19th August 2003) has the strategic goal of "eliminating all forms of inequality and gender discrimination in the process of education". The following tasks are enumerated in the Program:

- review of the restrictions in the access of girls and women to all types of public schools,
- creation of conditions for continued education by women who had to leave school because of pregnancy, childbirth or maternal duties,

- **assurance of equal access for women and men to extracurricular and non-school forms of education,**
- **introduction of the principle of gender equality into curricula, textbooks and teaching aids at all levels of education.**

Article 11. Employment

Government programs

131. The first stage of implementation of *The National Action Plan for Women* was assessed in 2001. Though many projects were suspended, the undeniable successes of the Program included amendment of the Labor Code, which introduced a clear ban on gender discrimination. *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005*, in the chapter on "Economic activity of women", envisages the promotion of gender equality among employers and employees, and calls for flexible forms of employment and observance of the parental rights of workers of both sexes. Plans include a campaign for equal retirement age of men and women.

European Social Fund

132. Following its entry into the European Union, Poland gained access to financial instruments designed to help member countries bridge the development gaps between the respective regions and attain cohesion. The EU instruments mentioned include such structural funds as the European Regional Development Fund, the European Social Fund, the European Agriculture Guidance and Guarantee Fund/Orientation Section, the Financial Instrument for Fisheries Guidance and also the Cohesion Fund.

133. Prior to the accession to the EU, the Polish government was obligated to draft a National Development Plan 2004-2006 (NDP), indicating the directions of Poland's economic development during the first years of membership. One of the strategic goals of the NDP is defined as "the building of an open, knowledge-based society by ensuring the development of human resources through education, training and work". Implementation of that goal is to be facilitated by the Sectoral Operational Program - Human Resources Development (SOP HRD). The goals of the SOP HRD are reflected in the following documents: *National Strategy for Growth of Employment and Development of Human Resources 2000-2006, Joint Assessment of the Assumptions of the Polish Employment Strategy, Government Economic Strategy "Enterprise-Development-Work", Pre-Accession Economic Program 2002, Guidelines of the European Strategy of Employment, Employment Policy Framework.* The SPO RZL contains a minute analysis of the labor market in Poland, defines the priorities and also the system of implementing and financing the program. The document was drafted by a working group established for the purpose in 2002. Its members included representatives of the various ministries and the Government Plenipotentiary for Equal Status of Women and Men.

134. One of the elements of the Priority "Active policy in the labor market and vocational and social integration" of the SOP HRD is Activity 1.6 "Integration and reintegration of women in the labor market" – compatible with the provisions of *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005.* It is designed to help women find jobs, and enhance their material and social status. Financing for Activity 1.6 in the years 2004-2006 is planned at 81.9 million €, including 65.5 million € contributed by the EU (the European Social Fund), 15.8 million € of national contribution (state budgets, territorial self-governments, Work Fund) and 0.6 million € of private donations.

135. SOP DHR measures for women will be supplemented by the Community Initiative EQUAL. The initiative is financed by the European Social Fund and has the goal of implementing tasks elaborated within the European Employment Strategy. It has the objective of promoting – through international cooperation – of new way of eradicating discrimination and inequality in the labor market, both in relation to employees and job-seekers. The program is concordant with the provisions of such

documents as *the National Strategy for Growth of Employment 2000-2006, Joint Assessment of the Assumptions of Employment Policy* and *Joint Memorandum on Social Integration.*

136. The programming of the Community Initiative EQUAL has been conducted since the second half of 2002 at the Ministry of Economy, Labor and Social Policy, with the participation of the EQUAL Working Group - comprised of representatives of ministries, NGOs, social partners and the Government Representatives for Equal Status of Women and Men. One of the five priorities of EQUAL is "Equal opportunities of women and men" – for which the following thematic field was selected: "Reconciling family and professional life, as well as the re-integration of men and women who have left the labor market, by developing more flexible and effective forms of employment, work organization and support services". The relevant work will have the goal of developing model solutions for reconciling professional and family life, including support for institutions providing care for children and addicted persons, for improvement of qualifications and promotion of flexible forms of employment. The European Social Fund allocation for the measures described will total 12.05 million € in the years 2004-2006 (9% of the budget of EQUAL).

137. The programs of both SOP DHR and EQUAL focus on gender equality. The participation of the Government Plenipotentiary for Equal Status of Women and Men is envisaged in the bodies supervising the implementation of the programs – including the Monitoring Committees of SOP DHR and EQUAL, which are composed of equal numbers of men and women.

The process of recruitment

138. The ordinance of the Minister of Labor and Social Policy of 9th February 2000 *on detailed principles of employment agency, vocational counseling, organization of training for the unemployed, creation of a methodical base for employment information and vocational counselling and the organization and financing of work clubs* (Journal of Laws No.12, item 146, with subsequent amendments) introduced a ban on the inclusion in work announcements of information which could be deemed as discriminating certain candidates because of their sex (paragraph 2 point 2). Employment Offices thus had to remove work offers addressed only to workers of one sex.

139. The law *on employment and counteracting unemployment* (Journal of Laws No.6 of 2003, item 65) was amended during the reporting period and entered into force on 6th February 2003. It introduced, *inter alia*, penalties for failure to respect the ban on discrimination (article 66 paragraph 3). The law also contains a provision (article 37 paragraph 13) banning discriminatory practices by employment agencies in relation to job-seekers.

Ban on gender discrimination in work relations

140. The law of 24th August 2001 *on amendment of the Labor Code and certain other laws* (Journal of Laws No.128, item 1405, went into force on 1st January 2002) introduced into the Labor Code Chapter 2a *Equal treatment of women and men* (article 18^{3a} – 18^{3e}) which defined indirect discrimination, compensation for infringement of the principle of equal treatment, stipulated transfer of the burden of proof onto the employer, and the principle of equal pay for equal work.

141. Chapter IIa stipulates that women and men are to be treated equally with regard to conclusion and dissolution of employment contracts, conditions of employment, promotion, access to training (article 18^{3a} paragraph 1 of the LC). It also bans direct and indirect discrimination as violating the principle of gender equality (article 18^{3a} paragraphs 2 and 3 of the LC). Employees, regardless of sex, have the right to equal pay for equal work – or work of equal value. The pay mentioned refers to all

components of remuneration, regardless of their name or character, and to other benefits connected with work, granted to employees in cash or other form (article 18^{3c} paragraphs 1 and 2 of the LC) The Code also contains definition of work of equal value. Pursuant to article 18^{3c} paragraph 3 of the LC, works of equal value are works requiring of the employees comparable professional qualifications, certified by appropriate documents or professional experience, and also comparable responsibility and effort. Infringement of the principle of equal treatment of women and men (article 18^{3a} of the LC) occurs when the employer differentiates the situation of an employee because of the latter's sex, resulting in:

- refusal to hire or continue employment,
- creation of unfavorable conditions of pay or other conditions of employment, failure to promote or grant other benefits,
- failure to select an employee for vocational training,

unless the employer can demonstrate that he/she was guided by other considerations. Article 18^{3b} stipulates that a temporary reduction of an existent inequality (such as refusal to hire, if designed to restore gender equality) – to the advantage of workers of one sex - does not infringe on the principle of equal treatment of women and men. Thus, it constitutes a basis for positive discrimination.

142. In the event of a dispute before a labor court concerning equal treatment of men and women, the burden of proof rests with the employer. The Labor Code gives employees or job-seekers the right to sue an employer for compensation if the employer infringed on the principle of equal treatment of men and women. Also defined is the size of the possible compensation (article 18^{3d} of the LC). Employee claims are exempt from court charges (article 263 of the LC). An employee's petition to a labor court in connection with infringement by the employer of the principle of gender equality may not serve as a basis for termination of employment (18^{3e} of the LC). In 2002, the Ministry of Justice reported one court case connected with gender discrimination. It is too early yet to assess the effectiveness of the new regulations.

143. The Labor Code regulates the scope of data that an employer may ask of a job-seeker, restricting them to an essential minimum needed for employment. Thus, the legal basis has been created for preventing employers from asking questions that could indicate a discriminatory attitude toward the job seeker. That applies, in particular, to questions connected with the family situation, or plans to get married and have children.

144. After the reporting period, in November 2002, the government submitted to the Sejm its draft law on amendment of the Labor Code and certain other laws (it entered into force on 1st January 2004). It was designed to adjust Polish law to EU legislation with regard to equal treatment in employment, also introducing measures to enhance the health and safety of pregnant women-workers, those breast-feeding and those who recently gave birth. The above-mentioned amendment of the Labor Code introduced the following provisions:

- the ban on employment discrimination was extended to include discrimination due to race, ethnic origin, sexual orientation, limited or unlimited duration of employment envisaged in the employment contract, and whether employment was full-time or part-time (article 11^3 of the LC); previously the discrimination ban referred to sex, age, physical handicap, nationality, political or religious beliefs and union affiliation,

- definition of direct discrimination; previously the concept of direct discrimination was invoked in the Labor Code without being defined,
- definition of sexual harassment and its recognition as a form of gender discrimination,
- removal of the limits on the size of compensation for a person whose employer violated the principle of equal treatment, mentioned in article 18^{3d} of the LC, and setting its minimum value at the level of the minimum wage.

Those regulations, as well as the Code principle transferring the burden of proof onto the employer, and the principle of the employer's responsibility for work environment free of gender discrimination and harassment, adjusted Polish law to international standards.

Wages

145. Women's wages are on the average 20% below those of men (table A11.1 – annex). The entry into force of the ban on pay discrimination has not had substantial impact on that gap. Data of the Central Statistical Office indicate that the differences in pay were clear, with a tendency to grow – particularly among top-level managers. An equalization of pay levels in the group of office workers, service employees and sales persons was connected with a fall in the pay of men employed in those groups. It will not be possible to evaluate the impact of the ban on pay discrimination (article 18^{3a} paragraphs 2 and 3 of the LC) until the next reporting period. Complaints concerning pay discrimination may be submitted to the trade unions and the National Labor Inspectorate. In practice, fear of losing one's job (this applies to both men and women) usually prevents employees from lodging such complaints. At present, there is no system of monitoring the pay practices of the respective employers. The creation of such a system is envisaged in the second implementing stage of *The National Action Plan for Women.*

146. Women seldom hold the top, best-paid jobs. While, statistically women hold 38% of all managerial posts, they account for only 22% of the top managers – that is those earning more than 400% of the average wage (data of the Central Statistical Office for October 2002). In the case of women, work seniority is not translated into higher pay to the extent that it is in the case of men. *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005* envisages measures to enforce the existing laws to eliminate the discrimination of women in employment and working conditions, and to eradicate the segmentation of the labor market – as a manifestation of indirect discrimination of women.

Feminization of professions

147. The pay inequalities are rooted in the persisting feminization of certain professions and vocational groups (see: table A.11.2 – annex). The lowest wages – 52% of the average - are earned by maids, cleaning women and washerwomen; in this group there is only 1 man for every 11 women. Nurses and midwives are one of the most feminized professional groups, with one man for every 74 women; their pay equals 70% of the national average. Women also dominate among pre-school and kindergarten teachers – with one man for every 108 women; their salaries amount to 98% of the national average. The rise in teachers' pay as compared to the previous reporting period is a consequence of the education system reform.

Labor market

148. Among working women, the biggest age groups are those between 35-44 years (30% of the total), and 45-54 years (27%). Among unemployed women – the biggest age groups are between 15-19 years (45 %) and 20-24 years (35%). Women's unemployment rate is still rising : in November 1998 it stood at 12.2%, in the 4th quarter of 2000 it reached 18%, and in June 2002 it equaled 20%. At the same time, 56.5 % of the unemployed women had to wait more than a year for a new job - with 39.3% of the men in the same situation.

Protection of pregnant women

149. No significant changes occurred in comparison to the previous reporting period with regard to the legal protection of pregnant women. In 2002, work began on an ordinance of the Council of Ministers *concerning the listing of works prohibited to women.* Thanks to the Government Plenipotentiary for Equal Status of Women and Men, the concept of the ordinance was radically changed during the legislative process. Its scope was narrowed to exclusively protect pregnant women and those who had recently given birth, or were breast-feeding. That postulate had been repeatedly put forward by previous Plenipotentiaries and NGOs, and was also incorporated in the previous *National Action Plan for Women* (1997). It called for abandonment of the discriminatory formula of "works prohibited to women" in favor of introducing safe working conditions for all employees, while preserving certain provisions for pregnant and breast-feeding women. The government responded by eliminating all regulations discriminating women and changed the name of the ordinance to *listing of works particularly burdensome to women or harmful to their health.* The ordinance was amended on 30th July 2002, and entered into force on 10th November 2002.

Maternity leave

150. In 1998, the government drafted pro-family policy which envisaged special benefits for women leaving work to rear their children. That period was to be included in their retirement benefits, with the social security contribution paid by the state. The government, realizing that the state budget would not be able to finance the extra expenditures, considered reducing allocations to kindergartens – on the assumption that a mother's care would be more beneficial to a child. That unrealized concept found its short-lived reflection in article 180 of the Labor Code. The law of 19th November 1999 *on amendment of the Labor Code* extended maternity leave to 26 weeks, and to 39 weeks in the case of a multiple pregnancy (the regulations were to go into effect on 1st January 2000, but a transitional period was introduced for all of 2000, with the duration of maternity leave set at 20 and 30 weeks respectively). In the event of a stillborn baby – leave was extended from 8 to 10 weeks. At the same time, the duration of leave that could be used before birth was extended from 2 to 4 weeks. After the next parliamentary election, the Sejm – at the request of the new government – restored the duration of maternity leave in force before 2000, that is 16 weeks after the first birth, 18 weeks after every subsequent birth and 26 weeks after a multiple birth (law of 21st December 2001 *on amendment of the Labor Code*; in force since 13th January 2002).

151. When the extended maternity leave was in force, article 180 paragraphs 5 and 6 was added to the Labor Code (effective 26th May 2001) - under which after 16 weeks of maternity leave a woman could return to work and "transfer" the remaining part of her leave to the child's father (employee) who had to submit the relevant application. At the same time, the title of Chapter 8 of the Labor Code was changed from "Protection of women's work" to "Protection of the work of women and men rearing a child" (the law of June 24th 2001 formulated the final title of the chapter as "Employee rights connected with parenthood"). The above-mentioned amendment of the Labor Code of 21st December

2001 shortened to 14 weeks the duration of the "physiological" leave that could only be taken by a woman. Thus, despite the fact that maternity leave is a benefit provided for biological reasons, there exists a possibility of it being split by the parents.

Rearing leave

152. Until the end of 2001, rearing leave could only be taken by one of the parents – either the mother or the father (article 189[1] paragraph 1 of the Labor Code). Effective 1st January 2002, rearing leave of 3 months can be taken by either parent, both of them together or the child's guardians (if they have the required work seniority to take the leave). This marks a fundamental change in the approach to parenthood rights.

153. Effective 29th November 2002, under article 186 paragraph 3 of the Labor Code, an employee of either sex who is not using the rearing leave may ask to have his or hers working hours reduced (by up to 50%) during the time that he or she could have taken the leave. The employer is obliged to acquiesce to such a request.

Control of employee rights

154. During the second half of 2003, the National Labor Inspectorate and the All-Poland Alliance of Trade Unions conducted a survey among employees. 56.8% of the respondents said they had personally experienced discrimination, 57.2% had knowledge of such occurrences in their work places, and 58.5% knew someone who had experienced discrimination. One woman in every seven said she was subjected to gender discrimination, with a similar number also reporting age discrimination. More than one quarter of women felt that they were subjected to discrimination at the moment of being hired, while 17.8% reported that employers had asked them questions about their private lives during the job interview. One woman in eight felt she was being humiliated at work.

155. Gender equality issues account for a small proportion of cases referred to the National Labor Inspectorate (PIP) for legal counseling. Labor inspectors primarily provide information on new regulations, ways of disseminating them among employees, the wording of work recruitment announcements, and the burden of proof in discrimination cases. Court proceedings are the only procedure for determining whether discrimination has in fact occurred.

156. In addition to legal counseling on equal treatment in the workplace, the PIP also conducts information campaigns to enhance the knowledge of both employees and employers about discrimination. Leaflets are published, with a review of anti-discriminatory regulations available on the PIP website. The subject is also raised by PIP representatives in their contacts with the mass media (radio programs, phone-in counselling at newspaper editorial offices).

Pension system

157. The new pension system, which entered into force in 1999 (law of 17th December 1998 *on pensions from the Fund of Social Insurance*, Journal of Laws No.162, item 1118) is based on completely different principles than the previous system. For some women, the new regulations may be less favorable. It should be noted, however, that the changes affect persons who were under fifty when the new system went into force. The remaining age groups are still covered by the old rules, including the possibility of taking early retirement. Persons who by the end of 1998 had not turned 30 are compelled to belong to two pillars of the retirement system: one based on the repartition of the pillar administered by the Social Insurance Institution (ZUS) and the capital pillar, which is the

domain of the Open Pension Funds. Persons aged 30 to 50 have the choice of either remaining in the first pillar or choosing the two-pillar system. The size of pensions in the new retirement system will depend on the sum of contributions paid into the system, increased by valorization (at the ZUS) and investment profits (at the investment fund). The size of the pension thus primarily depends on the value of the contributions made and their duration).

158. The retention of different retirement ages for women (60) and men (65) means that women's pensions will be lower even if they had equal pay during the period of work (though theoretically women are not obliged to retire at 60). The size of a pension is also influenced – in addition to the accumulated contributions – by life expectancy at retirement. In that instance, to alleviate the effect of the difference in retirement ages of men and women - median retirement age was applied (mathematical average for men and women). It should be noted, however, that a woman retiring at 60 will have her "capital" divided by the remaining years of her life expectancy, which is 5 years longer than in the case of men, who retire at 65.

159. In 1999, the Commissioner for Civil Rights Protection (ombudsman) appealed to the Constitutional Tribunal against a number of laws which contained provisions either prohibiting women from holding certain posts, or giving employers the right to terminate employment contracts for reason of a women employee reaching the retirement age of 60, or a male employee reaching the retirement age of 65.

160. With reference to the law *on pharmaceuticals, medical materials, pharmacies, wholesalers and Pharmaceutical Inspection* (judgement of 13th June, 2000), ref.K.15/99), the Constitutional Tribunal found that prevention of woman from holding the post of pharmacy manager because she had reached the retirement age set for women – but not for men - violated article 32 paragraph 2 and article 65 paragraph of the Polish Constitution, and article 11 of the *Convention on the Elimination of All Forms of Discrimination against Women.*

161. With regard to *the Law on the Teacher's Charter* (judgement of 28th March 2000, ref.K.27/99), *the Law on servants of State Offices* (judgement of 5th December 2000, ref.K.35/99), and *the Law on self-government servants* (judgement of 5th December 2000, ref. K.35/99), the Constitutional Tribunal ruled that the invocation of the lower retirement age of women than men in the same job, as basis for termination of employment, was incompatible with articles 32 and 33 of the Constitution, differentiated the legal situation of men and women, and had the character of gender discrimination.

162. Women petitioning for equal rights with regard to the retirement system may also be assisted by article 172 of *the Law on retirement and disability pensions from the Fund of Social Insurance* (the same law that sanctions different retirement ages for men and women), which stipulates that "The law is based on the principle of equal treatment of all insured persons, regardless of their sex, marital status or family situation. An insured person who feels that the principle of equal treatment was not applied in his/her case, has the right to seek compensation from social security in court."

163. In late 2003, work began on the introduction of an equal, flexible retirement age for men and women. The proposed formula envisages that by the year 2024 the retirement age for women will have been raised to 65, though all insured persons would have the option of gradually or fully retiring in the 62-65 age bracket. That solution is at the stage of social consultations, and is to be gradually introduced from 2014, applying only to persons born after 1954.

Women in the trade unions

164. Women were able to participate in the activity of the trade unions in Poland on equal footing with men.

- The All-Poland Alliance of Trade Unions (OPZZ) was the biggest union organization in Poland during the reporting period. However, its membership data do not specify the members' sex. OPZZ has a Women's Organization; the OPZZ Presidium (elected in April 2002) numbered 35 members – including 2 women.

- The Presidium of the National Commission of "Solidarity" (currently the second-largest trade union in Poland) included 17 men and 1 woman. The union authorities included a Coordinator for Women's Affairs. Women accounted for 38.2% of the members.

- The Presidium of the National Board of the Polish Teachers' Union (the teachers' profession is dominated by women) included 7 women and 10 men.

- The Presidium of the Central Council of Physicians did not include a single woman among its 11 members, even though the medical profession is highly feminized.

- The Presidium of the Central Council of Nurses and Midwives included 7 women and 5 men. The participation of men in the leadership is symptomatic, since the organization is composed almost exclusively of women.

- 11 trade unions were active in the sphere of agriculture, including the National Union of Farmers, Circles and Agricultural Organizations, whose presidium numbered 15 persons, including 4 women. Animated Activity within the union is conducted by the Rural Housewives' Circles (see article 14).

Article 12. Equality in access to health care

Legal guarantees of health protection

165. The most important legal regulations, having fundamental significance for implementation by Poland of the provisions of article 12 of the Convention, include the Constitution and two laws discussed in the previous report: *the Law on medical care facilities* and *the Law on family planning, protection of the human fetus and conditions of permissible abortion.*

166. The law of 6th February 1997 on *universal health insurance* went into effect on 1st January 1999, introducing basic changes into the system of financing and organization of the health service. It established a mixed insurance-budget system of financing. State budget funds were used to pay for services in the field of emergency medical care, highly specialized procedures and certain health programs, and also to cover the medical insurance contributions for certain social groups. The insurance contribution rises each year (up to the level of 9 % of the base amount by 2007), with the total funds in the insurance system dependant on total volume of wages - that is the state of the economy. It should be noted that in successive years, despite the increase of the sum in absolute terms, earmarked for health care - the share of public expenditures allocated to health care (state budget and local self-government budgets + the contributions) in the Gross Domestic Product was decreasing (from 4.26% in 1999, to 3.98% in 2002).

167. The insurance contribution was redistributed by the Health Insurance Office to the newly-established regional (voivodship) Health Service Offices and a separate health service office for uniformed patients. Within the limit of the funds at their disposal, the Health Service Offices signed contracts with public and private providers of medical services.

168. Health insurance is universal and obligatory, which guarantees the access of everyone to medical care, regardless of income level. The system guarantees free choice of doctor and medical facility within the area of the chosen health service office. Obtainment of medical services outside one's health service office required its consent. Basic services were provided by general physicians who could direct a patient to undergo tests or be examined by a specialist. Patients did not have to be directed by a general physician to be examined by such specialists as dentists, dermatologists, gynecologists, and pediatricians, or to get appointments at mental health and rehab clinics. Preparations for the implementation of the health insurance system coincided with reform of the medical service units, which gained economic independence, supervised in most cases by organs of local self-government.

169. The reforms were designed to improve access to medical services and their quality. That was to be achieved through more effective utilization of the base, human resources and funds, decentralization of management and financing, differentiation of organizational structures, broader scope of the sources of financing and rationalization of expenditures. However, the 4-year period of the operation of the regional health service offices was criticized – primarily because of their different policies and the absence of a legal basis for their supervision by the Minister of Health. In 2003, the health service offices were dissolved and replaced by the National Health Fund.

170. During the reporting period, the implementation of programs discussed in the previous report, which were largely addressed to women was continued: *National Health program for the years 1996-2005* and *the National Program for Prevention of HIV, Care for HIV Carriers and AIDS patients.*

Access to health care

171. As noted above, a new model of the health service in Poland was being implemented during the reporting period. The local self-governments reorganized public facilities, adapting them to local needs. The restructuring also affected medical staff. The closed public facilities and hospital wards were replaced by non-public (commercial) facilities and private practices, established by both physicians and nurses.

172. During the reporting period, the number of hospitals increased, leading to a corresponding reduction in the number of clinics – both in towns and rural areas. Beginning from 1998, non-public health care facilities were being established – and by 2002 there were almost 4700 of them (clinics and health centers), and 7000 private medical practices. Privatization of the pharmacy sector increased the number of pharmacies – with most of the new one set up in towns. That substantially improved access to medicines: while 1995 one pharmacy served on the average 5.7 thousand people, by 2002 that number had gone down to 4 thousand (7.7 thousand in the countryside).

173. The number of medical workers decreased (with the exception of pharmacists), while the number of medical consultations for every person rose from 4.9 in 1998 to 5.4 in 2000. Due to the differences in the contracting systems of the respective Health Service Offices – it is not possible to discuss the different medical specialties. Feminization of the medical professions continues in the entire system of health care. Women account for over 70% of the staff at facilities subordinated to the Minister of Health, and for 74% (including 30% of the managers) at the Ministry of Health itself.

174. The number of beds in open hospitals has fallen. At the same time, however, the ongoing restructuring has led to the establishment of new types of establishments – such as life care-medical, nursing-life care, and medical-educational centers, as well as hospices. In 2002, nursing-life care centers had a total of 26 thousand beds.

175. Health care and counselling for women was provided for women by the Health Service Offices, in the framework of contracts for the provision of:

- basic health care,
- specialist out-patient services (gynecological, obstetric and problem pregnancy clinics),
- hospital treatment (general, gynecological, obstetric and problem pregnancy),
- birth schools,
- treatment of infertility,
- family planning,
- gynecology of development age,
- health promotion programs (e.g. screening tests in cancer prevention),
- spa treatment.

176. Health care connected with pregnancy, birth and puerperium is free. In the case of uninsured women, such services are financed by the Ministry of Health – e.g. in 2001 the equivalent of 0.48 million US dollars was spent for that purpose. No restrictions have been reported in the access of medical services for women. In view of the drastic fall in the number of births, the number of beds in maternity wards was reduced (e.g. rural maternity rooms disappeared completely, replaced by hospitals) which did not worsen access to obstetric care. In 2000, the medical care for mother and child was reactivated. At regional level, it is provided by Voivodship Centers of Public Health and at the central level – by the Institute of Mother and Child. The above transformations and basic data concerning provision of medical care during the reporting period are presented in table 1.12.1 (annex).

Health situation

177. Coronary diseases and cancer remain the main causes of death among adults, regardless of sex and place of residence. More women die of coronary diseases – in 1999 there were 475.2 deaths per 100 thousand among women and 463.5 among men, with a higher death rate in rural areas. In the years 1999-2001, there was a reduction in the number of coronary deaths - which may be the result of preventive measures.

179. Cancer is the second-biggest cause of deaths in Poland, with the numbers of cancer deaths rising both among women and men. In 1999, there was an average of 216.1 deaths per 100 thousand, including 255.1 men and 179.1 women. In 2001, there were 228.2 deaths (per 100 thousand), including 267.2 men and 187.2 women. City dwellers die more frequently of cancer than rural residents.

180. Breast and cervical cancer accounts for 27% of all cancer cases in women. There is insufficient access to mammography (only 15% of women were examined in 1999, including 5% in organized screening tests), and cytology (each year, some 30% of women in the 30-59 age group are tested, including 5% in organized screening tests).

181. According to the Polish Osteoporosis Foundation, complications from femoral neck fracture are third cause of death (after coronary diseases and cancer) in women over 60.

182. In 1989, the rate of deaths connected to pregnancy, birth and puerperium equaled 0.1 per 100 thousand. As in previous years, the main causes of death were hemorrhages, embolisms, infections and gestoses.

183. The infant mortality rate continued falling. It decreased from 8.85 in 1999, to 7.5 in 2002 (per 1000 live births). The main causes of infant deaths remained unchanged: these are mainly conditions appearing in the prenatal period – including breathing disorders and congenital defects – including coronary ones. Statistics on infant death causes do not distinguish sex, though other data indicate that among children aged under 1, the death rate is higher among boys than girls.

184. Non-invasive examinations (USG, 3 to 4 times during a pregnancy) are envisaged in the contracts of the health service offices. Non-invasive procedures (amniocentesis and cardiocentesis) were conducted upon the instruction of a gynecologist when there was suspicion of a congenital or developmental defect, or life-threatening disease of the fetus.

Data on prenatal examinations are presented below:

	2000	2001	2002
Genetic consultations	n.a.	11,077	16,072
Invasive prenatal tests	1,654	2,035	3,800
Fetuses with defects	107	138	596

185. During the reporting period, the following programs concerning the health of pregnant women and infants were implemented with the financing of the Ministry of Health – primarily in the framework of *the National Health Program:*

- Prophylaxis of hereditary diseases in high-risk families – molecular testing and genetic counselling,
- Program of monitoring and correction of the primary prophylaxis of hereditary developmental defects,
- Program of prophylaxis of the primary neural tube defect in Poland,
- Elimination of sexually transmitted diseases,
- Implementation of medical and organizational supervision in the health care of mother and child,
- Program of primary prophylaxis of tobacco-related diseases - focus on pregnant women,
- Optimization of pre-natal care, including:
    - prevention of prematurity , its consequences, and low birth weight,
    - upgrading of equipment in maternity and infant wards,
    - implementation of a national program for the supervision of health care for mother and child, with particular reference to prenatal care.

186. Between 1985 and June 2003, 8189 HIV carriers were registered in Poland, though it is estimated that the actual number of infected persons may be between 15 to 20 thousand. It is estimated that 10 % are people under 20, over 50% - persons aged 20 to 29, with over 20% – women. In the reporting period, the numbers of recorded AIDS cases were as follows: 1999 – 123 persons, 2000 – 116 persons, and 2001 – 122 persons (the available public statistics do not distinguish the sex of those infected). *The National Program for Prevention of HIV, Care for HIV Carriers and AIDS Patients* included the following undertakings:

- training of health service staff, teachers, journalists and clerics,
- publication of information booklets and manuals for physicians, dentists, nurses, midwives, and barbers,
- publication of manuals for infected persons,

- publication of leaflets, badges, posters, and brochures for young people,
- media and streets campaigns (public transport stops, billboards),
- prophylaxis during mass open-air youth events.

The program also envisages financing for therapeutic and educational projects, implemented by public and non-public medical facilities, as well as NGOs. Since 1996 a phone hot line has been in operation. Each year, during the World AIDS Day, a publicity campaign is launched to encourage people to have HIV tests – which are available, free of charge, in all voivodships. In 2002, the equivalent of 25 thousand US dollars was spent on the campaign. The low incidence rate of HIV and AIDS in Poland is the result of intensive educational and preventive measures.

187. The persistent high incidence of life-style diseases and the resultant high death rates among men and women gives cause for concern. This requires more emphasis on prophylactic and educational measures. The effectiveness of such programs has been demonstrated by the improved public knowledge about HIV/AIDS and continuing low infection rates. It is also noteworthy that Poland has narrowed the gap to the most developed countries with regard to such indicators as infant and mother death rates, indicating an improving quality of care.

Family planning

188. Access to procreation-planning methods and contraceptives has improved. Education for adults was available at counselling centers for women and birth schools. Sexual education was also conducted in schools as part of the subject "Education for life in the family" (in curricula from grade 5 of elementary school upwards), and as part of HIV/AIDS prophylaxis.

189. Statistics indicate that condoms are the most frequently used contraceptive (25% of the respondents, including 15.9% of women) – since they are widely available and relatively cheap. In 2002, 20 hormonal contraceptives were approved for sale in Poland, including three (Microgynon, Rigevidon, Stedril) placed on the list of refundable drugs. According to the retrospective Family and Fertility Survey, in the period 1991-2001 the number of women using the pill rose from 4.6% to 14.1%.

190. Abortions are conducted legally in Poland, in compliance *with the Law on family planning,* on condition of medical or legal justification. The number of abortions carried out legally is shown in table A.12.2 (annex), based on data supplied by the Information System Center of the Health Service (the number of illegal abortions is unknown). The number of legal abortions - as compared with the data for miscarriages and cases covered by the Criminal Code (data in table A.12.3 – annex) - suggests a need for amendment of *the Law on family planning,* and casts doubt on the effectiveness of counselling and the system of social care for pregnant women.

191. NGOs' information and cases reaching professional responsibility spokesmen indicate that public health care facilities were refusing to carry out abortions even when they were permitted by law. That signified abuse of the conscientious objection clause granted to individual physicians. In response, the Minister of Health reminded voivodes (heads of province-level government administration) that the law had to be implemented (March 2003).

192. A public opinion survey conducted in July 2003 by the CBOS polling organization showed that most Poles are against the present law on abortion. 61% of the respondents were in favor of more liberal regulations, 20% were in favor of stricter rules, while 19% had no opinion.

193. Practice has shown that it is difficult to collect data about the implementation of the law – e.g. about the extent of aid granted by schools to pregnant schoolgirls, or if the schoolgirls under 15 who gave birth had had an opportunity to make the decision about becoming mothers.

194. In view of the need to create instruments for an accurate assessment of the operation of the law and its social consequences, the Prime Minister – upon the motion of the Government Plenipotentiary for Equal Status of Women and Men – decided to establish an Intra-Ministry Team for appraisement of the implementation of *the Law on family planning, protection of the human fetus and conditions of permissible abortion.*

195. Infertility has been recognized by the World Health Organization as a social disease, due to the scale of the problem. Infertility affects a sizable part of the Polish population – some 1.2 million couples. Of that group, only half have attempted infertility treatment, while the other half – either for religious or economic reasons – have refrained from seeking it. Of the 50% who decide to have therapy, only 12% actually try it within one year. In only 2% of the cases assisted fertilization techniques are viable. It is estimated that that route is taken in Poland each year by 1500 couples. The diagnosis and treatment of infertility exclusively depends on the material status of the patient. The government does not refund the costs of assisted fertilization therapy, and in particular – of in vitro fertilization. In 2002, the Association "Nasz Bocian" (Our Stork) submitted a petition to the Minister of Health - signed by several thousand people - asking for at least partial refunds of drugs and procedures used in treating infertility, so that persons of modest means would also have access to those techniques.

196. *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005* envisages that starting in 2004 a broader assortment of infertility drugs will be refunded. *The Action Plan* also provides for other measures concerning the health of women, including:

- implementation of health prophylaxis programs oriented toward the health of women, particularly with regard to cancer, genetic diseases and care for mother and child,
- development of the network of clinics for women, including specialized facilities providing information and diagnostic services for teenage girls,
- initiation of a system of medical care for older women, including diagnosis, treatment and rehabilitation of conditions connected with loss of psycho-physical fitness due to age and all forms of disability,
- incorporation of women's health issues in state health-policy programs,
- amendment of the appropriate laws concerning a woman's right to decide about her maternity,
- introduction into schools curricula on human sexuality of information about modern methods of family planning, and preparation of information programs addressed to adults,
- inclusion of modern contraceptives on the list of drugs refunded by the state.

Article 13. Social and economic benefits

Family benefits

197. As during the previous reporting period, women and men had equal access to family benefits. Regulations are still in force ensuring special protection for single parents. The system of allowances and social security has not experienced substantial changes.

198. The system of tax benefits has not changed. Allowances and alimony connected with child care are tax-exempt. Spouses and single parents can submit joint tax returns.

199. An amendment of 17th December 2001 (entered into force on 1st January 2002) added to *the law on social security* provisions on periodic maternity allowance and single maternity grants. The periodic maternity allowance may be paid to a single mother, the father of a child whose mother died or abandoned it during the first 4 months of the child's life, to a person who took in a child into a foster family, and to a person who is caring for a child and has applied to a family court for its adoption (during the first year of the child's life). The same persons are entitled to a single maternity grant of equal value for each child.

200. During the previous reporting period, a person who lost his/her right to unemployment benefits and at the same time was the single parent of at least one child under 15 was guaranteed a periodic allowance from social security. From 1st September 2001, the entitlement to that allowance was extended to persons caring for children up to the age of 16. Effective 1st January 2002, the right to the periodic allowance was restricted to single parents of children up to the age of 7. The duration of the allowance and its supplementation with payment of the parent's social security contribution remained unchanged.

201. The law of 1st December 1994 *on family, nursing and rearing benefits* (Journal of Laws of 1998 No.102, item 651 with subsequent amendments) – effective 1st September 1998 - granted persons rearing children on their own the right to a rearing allowance of 36 months, that is similar to the allowance granted in connection with a multiple birth. Another amendment of the law in January 2002, raised, for the period of one year (from 1st June 2002 to 31st May 2003), the maximum income per family member entitling persons rearing children on their own to receive the allowance.

202. The law of 7th October 1999 (went into force on 1st January 2000) restored the income criteria [3] (annulled in 1989) for persons applying for alimony benefits. The average monthly income per family member, obtained during the preceding calendar year, could not exceed 60 % of the average wage announced by the president of the Central Statistical Office for pension purposes, with the value of the allowance not exceeding 30 % of that wage. The reintroduction of the income criterion was designed to grant the assistance only to persons with the lowest incomes, while easing the pressure on the state budget. The move did not have significant impact on the number of allowances paid, with their growth-rate only slightly down in the year 2000 (the following figures illustrate the relevant growth rates in relation to the previous year: 107 % in 1999, 103.4 % in 2000, 107.5 % in 2001, 106.1 % in 2002).

203. A legal regulation that is not addressed to single parents *per se*, but is nevertheless important from the view point of social security, is the ban (in effect since 10th July 2001) on the eviction from

[3] Law of 18th July 1974 on the alimony fund, Journal of Laws No.27, item 157 with subsequent changes, article 4 paragraph 1.

their homes of pregnant women and persons rearing small children without providing such persons with social accommodation [4].

204. After the reporting period, the government took steps to simplify and integrate the system of benefits, to ensure that the assistance reached persons most in need. The laws *on family, nursing and rearing benefits* and *on the alimony fund* were annulled and replaced by the law of 28th November 2003 *on family allowances* (Journal of Laws No.228, item 2255) which entered into force on 1st May 2004. The most notable changes included:

- introduction of uniform, transparent income criteria for all benefits provided under the law,
- allocation of family allowances exclusively to families with dependent children,
- introduction of a system of single grants and periodic allowances for older children (school-going grant, school commuting allowance)
- replacement of the alimony fund with benefits for persons rearing children on their own (regardless of their receiving alimony).

Women's enterprise

205. The group of entrepreneurs includes self-employed persons[5] and employers[6].

206. During the period analyzed, the number of self-employed women was gradually decreasing (from 1,064 thousand in 1998, to 990 thousand in 2002), though their share among all self-employed persons remained at the average level of 38%. Self-employed persons in towns were outnumbered 2-to-1 by the self-employed in rural areas. The share of self-employed women in towns was lower than in the countryside (35% and 44% respectively). In consequence, self-employment of women more frequently meant agricultural than non-agricultural activity.

207. During the reporting period, the number of employers – who were more numerous in towns than in rural areas – decreased substantially, though the share of women in that group remained at about 29%. The reduction of the number of employers was caused by the introduction in 2000 of a new social security system which raised labor costs, and by the economic downturn that started in 2001.

208. A separate group of working persons are the so-called family workers. Women accounted for 55% of that group in 1992 – and for 59% in 2002.

209. The labor situation meant that women more frequently than men were forced by external factors to begin independent business activity. In a 2001 survey, most entrepreneurs (81% of the women and 69% of the men) felt that their sex was not a factor in their decision to set up their own business. However, more men than women felt that it was easier for them to make a start in business.

[4] Law of 21st June 2001 on the protection of tenants, gmina housing resources and amendment of the Civil Code, Journal of Laws No.71, item 733, article 14 paragraph 4.

[5] The Central Statistical Office – in its Study on the Economic Activity of the Population – defines a self employed person as a person who conducts his/her own business activity and does not employ others.

[6] The Central Statistical Office – in its Study on the Economic Activity of the Population – defines an employer as a person who conducts his/her own business activity and employ at least one worker.

210. It was characteristic, that women – when taking the decision to start business activity – often feared failure, had a sense of great risk and lacked self-confidence. Women found it harder to get advice and help because they did not have the needed contacts. Traditional upbringing did not enhance their self-confidence and spirit of enterprise – hence fewer women than men started their own businesses. The difficulties with reconciling family and professional roles – noted in the previous report – were less evident this time. Other business barriers – equally affecting women and men – included high taxes, excessive red tape, ambiguous regulations, lack of capital, costly credits and complicated procedures of obtaining them, as well as insufficient business knowledge (Ipsos-Demoskop poll, 2001).

211. The share of women among the owners of new businesses varied depending on the branch of business activity. It decreased in shop-keeping, hotel management, catering and services[7]. Far fewer women than men established industrial, transportation and building companies, though they dominated in the group of enterprises connected with health care[8].

212. Several organizations active in Poland promote companies owned by women. They include the International Forum of Women – an association of company owners and managers who conduct educational and informational activity, and sponsor research into women's business activity, and the Polish Association of Company Owners – Businesswomen's Club, which is a member of the World Female Company Owners' Organization FCEM, associating over 30 thousand businesswomen in more than 30 countries. Also, an Internet portal KOBIETY ONLINE has been in operation for several years providing up-to-date information on woman-entrepreneurs and practical advice for businesswomen.

Access to credits

213. As noted in the previous reports, women in Poland had equal access with men to bank loans and other forms of credits.

The share of women among all entrepreneurs who in the years 1998-2002 received loans from the Mikro Fund [9] was as follows:

Year	Total number of loans	Percentage of loans to women
1999	9357	39.8%
2000	8173	42.2%
2001	6762	43.5%
2002	4696	43.7%

As compared with the previous reporting period, the share of women among the persons granted loans by the Fund has increased by several percentage points. Though most banks do not keep data on the sex of their clients who are granted credits – it may be assumed that women account for 40% of that number[10].

[7] The share of women in the service sector fell from 50% to under 40%.

[8] Women more frequently than men opened private medical practices (dentists, gynecologists, ophthalmologists, dermatologists, pediatricians), companies offering nursing services, nursing homes for bed-ridden and terminally ill patients, hospices and counselling facilities (logopedics, psychology).

[9] The Mikro Fund was established in 1994 by the Polish-American Enterprise Fund to support small businesses in Poland.

[10] The Bureau of Credit Information reports that in 2003 47 % of all credit accounts were held by women, which is not tantamount to the number of persons granted credits.

Recreation, sports, culture

214. As in the previous reporting period, involvement of school-age girls and boys in mass sports occurred during the process of their compulsory education. In the framework of the School Youth Games in 2000, some 3200 events were held at the above-gmina and voivodship level. The participants included 400 thousand youngsters, of whom 40% were girls.

215. Despite the absence of any formal restrictions on their participation in competitive sports – the percentage of women among all athletes was still low during the 1998-2002 period. In 2001, women accounted for 9.6 % of all senior-category athletes and for 6.9% of the juniors. At the same time, Polish women have ventured into many traditional male sports disciplines, attaining international success in many of them (e.g. weightlifting, pole-vaulting, triple jump, hammer throw, sailing, wrestling, sumo, mountain cycling).

216. The share of women in top-level competitive sports (e.g. the Olympic team) is higher than in sports in general. At the Sydney Games, women constituted 31 % of the Polish team, winning 5 medals – that is 37% of all medals won. One should also note the animated activity of women's organizations in Polish sports (e.g. the Polish Association of Women's Sports or the Women's Sport Commission of the Polish Olympic Committee).

217. In order to improve public access to culture, state budgetary expenditures for culture and protection of the national heritage were raised from 0.42 % in 2000, to 0.54% in 2001. Local self-governments continued earmarking 3.15% of their budgets for that purpose.

Article 14. Rural Women

Restructuring of agriculture

218. According to the General Agricultural Census, in 2002 there were 1,956,100 farms[11] in Poland with areas of above 1 hectare, of which 99.9% were privately-owned, and 0.1% belonged to the public sector. As compared with the previous reporting period, the average farm area increased by another 23% - and in 2002 equaled 9.6 hectares (including 8.4 hectares of arable land). However, the area of some 60% of the farms was in the 1-3 hectare range, and only 0.5% had areas above 50 hectares. Only 2% of the arable land was tilled by agricultural cooperatives.

219. The share of farming in the Gross Domestic Product in 2001 amounted to 2.9%. The General Agricultural Census of 2002 indicated a fall in the number of farms by 4.3%, as compared to 1996[12]. Changes also took place in the farm population structure: there were fewer people in the pre-production and post-production age brackets, with more people of production age – with the biggest increase reported in the low-mobility group (45 - 59 for women, 45 - 64 for men). In 2002, households that included a farm-user accounted for 27.4% of the country's total population. The number of people connected with farming decreased by about 1 million – or close to 10% – as compared with 1996.

220. Education levels differed substantially – depending on the area of the farm. People working on the biggest farms (area above 50 hectares) were much better educated than persons working on medium-sized or small farms. The first group included 47.5% of people with at least secondary education, with only 21.4% boasting similar education levels on the smaller farms.

221. The persisting economic downturn in agriculture resulted in a 21% drop in the number of farms conducting economic activity (either in agriculture or outside it). The users of those farms suspended or abandoned agricultural activity[13]. At the same time, there was a growth of 46% in the number of farms whose users[14] were conducting non-agricultural activity. That process reflected a search for alternative sources of income. The most frequent types of such activity included retail trade, food processing, building and transportation.

Professional activity of rural women

222. According to the latest National Census of Population and Housing and the General Agricultural Census – in 2002 7.3 million women lived in the countryside, accounting for 37.2% of all women. In the countryside, there are 101 women for every 100 men, while in towns – 110 women for every 100 men. In rural areas, men outnumber women in the age group up to 55, while above that age level – there is a clear majority of women (in towns – that age threshold is much lower – 29 years). The share of women working on a farm decreased as the farms got larger. On small farms (with arable area of 1 to 2 hectares) women constituted 50.2% of all working persons, while on the biggest farms they accounted for 36.5% of such persons. On the average, men on farms worked an hour a day longer (8 hours) than women (7 hours). [General Agricultural Census, 2002].

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[11] A private farm is taken to mean a farm with at least 0.1 hectare of arable land, owned or used by a natural person or group of persons.

[12] The previous Agricultural Census was conducted in 1996.

[13] The user of a private farm is defined as a natural person or group of persons who are actually using the land, regardless of being owners, leasees, or having other title, and regardless of whether the land is located in one gmina or several gminas.

[14] The household of the user of a farm (owner of livestock) is defined as a group of people living and supporting themselves together, if they include a person running a private farm (or owning livestock).

223. Table A.14.1 (annex) shows indicators characterizing the situation of women in the labor market, with division into four groups: total in Poland, in the group of rural population, in the group of rural population connected with a farm, and in the group of non-agricultural rural population. Analyzing such indicators as employment and the rate of unemployment, one notes the high percentage of vocationally active persons among farmers and their lower rate of unemployment. On the other hand, the highest unemployment is noted among members of the rural population who do not own farms; these are mostly former workers of failed state farms. The problem is particularly acute in Western and Northern Poland, where state farms were most numerous before the change of system in Poland.

224. In the countryside, the majority of working women do manual work. Rural and small-town women report greater difficulty in finding work than is the case with city women. The employment barrier often consists in the lack of education, or its inadequate level. The changes in the labor marker and high unemployment halted the flow of labor from agriculture to other branches of the economy. Persons who lost their job in towns often return to rural areas. Young persons of both sexes often remain dependent on their parents because their lack of working experience bars them from finding employment.

225. The most frequent reasons for interruption of gainful employment identified by women included bankruptcy of the employer and pregnancy. Rural women are less flexible in the labor market (less willing to change jobs, to retrain or change their place of residence) than urban women. That is also connected with their poorer education. The unwillingness to change the place of residence stems from the fact that even a low-income farm can satisfy such basic needs as modest meals and some income.

226. Unemployment and social spending cuts have impacted family incomes and the situation of women. A growing number of women experiences deteriorating conditions of work and life. That applies, in particular, to women who are sick, handicapped, old – and to single mothers. The most vulnerable groups also include women living in remote rural areas.

Enterprise and access to credits

227. Some rural women decide to start their own business activity. This usually includes handicrafts, agro-tourism, processing and sale of agricultural products. Occupations of that kind make it possible to combine professional activity with home chores and rearing of children. Also, combining work on the farm with non-agricultural activity makes it possible to preserve low-income farms and prevents depopulation of certain regions – which could lead to their economic and social degradation.

228. In Poland, access to credits, and in particular to preferential agricultural credits, is equal for men and women. Banks require that credit-seekers of both sexes meet the same conditions. They include securing the credit with collateral in the form of property, which in the case of a farm run by spouses constitutes their joint property.

Woman in the rural household

229. A woman who practices the vocation of farmer is usually the partner of a man in work on the farm, or in non-agricultural economic activity (family business). Despite that, a division into typically male and female occupations still persists in agriculture. House chores are the domain of women. In certain unfavorable family situations (widows, women with sick husbands, single women) a woman can act as independent manager of her farm. Out of every 100 users of private farms – 71 are men and only 29 women.

230. Research (Polish Academy of Sciences, 2003) indicates that a farmer's wife does not assume responsibility for arrangement of the field work and sale of the produce. She feels that is her husband's role. She gets involved more often in issues concerning credits and the purchase of livestock, since care for cattle, pigs and poultry basically remains a female occupation. The rising position of the modern woman-farmer is reflected by the fact that she - alone or with her husband – signs business contracts or credit agreements on behalf of her family. One may speak of the emergence of partner-like family relationships. Another sign of the changing family model is the taking-up of gainful employment by married women. A woman who contributes to the family income is more frequently treated as an equal partner in decision-making. The woman's authority in the family is rising, enhancing her competencies. Consolidation of the partnership model of family relations is hindered by the shortage of nurseries, kindergartens and nursing homes – which means that care for children and infirm elders remains the task of women, often preventing them from taking up work outside their farm.

The family and children

231. In 2002, the number of families[15] in Poland was put at 10.5 million, including 36.9% living in rural areas. The countryside boasted a higher percentage of families with children than towns (60.6% as compared with the national average of 56%), and fewer single mothers (14.4% as compared with 17.2%). There are also differences in the numbers of children in the family. 52.1 % of urban families have one child – as compared to 38.3% of such families in the countryside. Rural families are more likely to have 3 or more dependent children (25.3% – as compared to 11.8% in towns). The average number of dependent children in the countryside equals 2.01 – and 1.64 in towns.

232. As compared with the previous National Census – there has been an over 50% rise in the number of households whose main source of income is not connected with gainful employment. Such households now account for 43% of the total in Poland, with the rural percentage two points higher. Among those households – those supported through pensions constitute the biggest group (37.6% of all households in Poland). In 1988, that percentage was put at 26.2% [National Census of Population and Housing].

Social security in the countryside

233. The Agricultural Social Insurance Fund (KRUS) insures and services some 4.5 million farmers. The size of the contribution in that system amounts to about one-eighth of the contribution in the non-agricultural social insurance system (with a comparable size of pensions). Moreover, the size of the KRUS contribution is not linked to the size of the farm, nor the income it generates. The separate system also ensures access to medical service, its own rehabilitation facilities and sanatorium treatment. Access to KRUS benefits is equal for both sexes (with the exception of certain systemic norms – such as the lower retirement age for women). Over 95% of the agricultural retirement pensions is financed out of the state budget.

234. Birth and maternity allowances are special benefits available only to insure rural women. The allowance paid upon the birth of a child amounts to three basic pensions, while the maternity allowance is equivalent to eight-weeks' sick pay. These benefits may be claimed by persons insured for at least a year, though the duration of other insurance is also included in that period.

[15] In accordance with the methodology applied during the 2002 population census, families were distinguished within existing households. A family was defined as a pair of spouses or partners, without children, or a pair with one or more children, or a single parent with one or more children. The 2002 census also studied families living in collective accommodation.

Housing conditions

235. The living conditions of rural families differ considerably, though in general they are inferior to those in towns. The standard of home furnishings depends on the education, income and professions of the family members. The best living conditions have been attained by well-educated families, supporting themselves through gainful employment and having various sources of income. Families whose livelihood depends solely on the farm, and whose members are unemployed, are in a much worse situation. They may try to raise their living standards by working in the "unofficial" economic sector.

236. The reporting period saw substantial progress in the installation of utilities in rural homes – with greater improvement in that regard than in urban homes. The number of homes equipped with utilities was higher than the number of new homes, which meant that - especially in the case of the countryside – existing homes were being modernized. However, the technical furnishings of rural homes remain far inferior to those in towns. Some 6.5 million people – including 4 million in the countryside – live in substandard conditions. In 2002, communal gas mains reached 75% of urban homes and 17% of rural homes, water mains were connected to 99% of urban homes and 89 % of rural homes. As concerns living area per occupant – it amounted to 20.5 sq. m. in towns and 21.9 sq. m. in rural areas [National Census of Population and Housing]. An assessment of the living conditions of the population in 2002 is presented in table A.14.2 (annex).

Civic role of rural women and their organizations

237. Women are under-represented in the self-governments of gminas and powiats, and in voivodship councils. Their involvement is even lower in rural gminas. The only organization that attracts significant participation of rural women are the Rural Housewives' Circles (KGW). Many rural women quote the dissolution of the local KGW branch as the reason why they do not belong to any organization. A large majority of women who belong to social organizations are over 45. Younger women, both in town and the countryside, do not seem interested in any form of social activity (2003, report of the Center of Socio-Economic Analyses commissioned by the Secretariat of the Government Plenipotentiary for Equal Status of Women and Men). In recent years, Polish farmers have been setting up teams of agricultural producers designed to raise their competitive capacity. Most such teams have been set up in fruit, dairy and meat production. Women account for only one-tenth of the members of such teams.

Education

238. A significant improvement in the education levels of farm users has been achieved as compared with the data obtained during the 1996 agricultural census. The share of persons with higher education has gone up 3%, and of those with above-secondary, secondary vocational and general education – by a total of 7%. At the same time, there is a lower percentage of persons with basic vocational education and of elementary school drop-outs (down by 7 points). However, it should be noted, that despite higher education level of women, there is still a clear majority of women with an incomplete elementary education – that being connected with women's average life expectancy, as noted in Report IV-V [General Agricultural Census 2002].

Health

239. After the introduction of the reform of the health care system in the rural community – the anticipated positive effects of the reform did not become apparent in the years 2000-2002 with regard

to the structure, quality and accessibility of medical care. According to the Institute of Rural Medicine, more than half of the respondents had to forego an important medical service (such as buying costly medicines or undergoing specialist tests) for financial reasons – and that group included more women than men.

240. The lower level of health awareness and concern for one's health among the rural population is the reason why rural women go to see doctors – including gynecologists – less frequently than urban women. There was little difference between the two groups as concerns their reasons for not using hormonal contraceptives. Among those reasons, women mentioned religious considerations and concern for possible harmful effects on the woman herself and her future children. Preference was expressed for natural methods of contraception. The above attitudes were demonstrated to a much smaller extent by women under 35.

241. Death rates among urban women are much lower than among rural women, with the difference amounting to 85 per 100 thousand women (table A.14.5 – annex). In 2000, the death rate at birth was identical for both groups. The death rate for infants at birth is marginally higher in the countryside (table A.14.6 – annex) , though in the years 1998-2001 it was substantially reduced. Life expectancy is slightly higher in rural areas.

242. The Agricultural Social Insurance Fund (KRUS) conducts preventive activity aimed at improvement of farm working conditions. In the years 1999-2000, the Ministry of Agriculture and Rural Development participated in the implementation of *the Strategic Government Program "Safety and health protection in the work environment"* involving prophylaxis against threats in the workplace, medical prophylaxis and education about health protection and work safety. Publicity materials published in the framework of the program were distributed by KRUS, agricultural counselling centers and agricultural chambers. In the years 1990-2000, work accidents on farms were reduced by 45.6%.

Article 16. Equality in marriage and family law

243. An amendment of *the Family and Guardianship Code* (adopted on 27th May 1998) entered into force on 15th November 1998. It concerned such issues as marriageable age, names of the spouses after marriage, the child's name and so-called concordat marriages.

244. Marriageable age was equated for both sexes. Article 10 paragraph 1 of the FGC stipulates that no one under 18 may marry. However, a guardianship court may allow a woman who is at least 16 to marry if there are important circumstances and indications that would serve the welfare of the new family. The law does not envisage such possibility in the case of men.

245. In practice, that regulation is applied when the young woman is pregnant. The Government Plenipotentiary for Equal Status of Women and Men has prepared a proposal for changing that provision, allowing the court to permit marriage to a person (regardless of sex) who is at least 16. That would prevent the discrimination of teenage mothers who become pregnant with their peers.

246. The amendment of the FGC also changed the rules concerning the choice of surname to be used by each spouse. Both in the case of women and men, the name to be used after marriage is determined in a statement made before the registrar. The spouses may carry the same name - hitherto used by one of them, each spouse may keep his/her old name, or he/she may add his/her spouse's name to his/her own. If no relevant statement is made before the registrar, each of the spouses keeps the name used previously.

247. The above amendment ignored the existence of the law of 15th November 1956 on the change of names and surnames. Under its provisions, only a married woman could change her maiden name. A man did not have that right, which contradicted the above regulations of the Family and Guardianship Code under which a man may assume his wife's name. In February 2003, the Government Plenipotentiary for Equal Status of Women and Men proposed an appropriate amendment of the law on the change of names and surnames.

248. The amendment of the FGC also changed the regulations concerning the names of children. After the change, a child presumed to have been parented by the mother's husband, carried his name, unless the spouses declared that the child would carry the mother's name.

249. Following the conclusion on 28th July 1993 of the concordat between the Republic of Poland and the Holy See – marriage regulations were amended in 1998. Previously, marriages were concluded before a registrar. In consequence of the amendment, a man and woman may conclude marriage under the internal law of a church or other religious association by exchanging vows in front of a priest and declaring their wish to conclude marriage subject to Polish law, after which a registrar will draw up a marriage certificate. The regulation is applied when a ratified international agreement (such as the concordat), or a law on relations between the state and church or other religious association, envisages that a marriage concluded under internal church law has the same consequences as marriage concluded before a registrar. Hence, canonical marriage has the same consequences as marriage concluded under Polish law.

250. From 16th December 1999, each spouse may demand the pronouncement of separation – in the event of a complete breakdown of the marriage. Separation has identical consequences as divorce (Family and Guardianship Code, Chapter 5 of title I *Marriage*). The solution was introduced as an option for Roman Catholics who did not want to get a divorce – considered a sin by their church.

251. Bigamy, as during the previous reporting period, remains a crime. The Penal Code of 6th June 1997 (entered into force on 1st September 1998) stipulates that anyone committing bigamy is liable to a fine, restriction of liberty or imprisonment of up to 2 years (article 206). Penal law also prohibits sexual intercourse with anyone under 15 (as during the previous reporting period -article 200 of the Penal Code envisages imprisonment of between one and ten years for that crime).

252. Work continued during the reporting period on the preparation of *The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005,* which envisages the promotion of equal treatment of both parents as concerns their guardianship and educational roles.

253. Questions pertaining to the number of children in the family, the frequency of their births, and access to the relevant information are discussed in the part of the report dealing with article 12, while the issue of violence in interpersonal relations – in article 5.

ANNEX

Table A.5.1.
Police interventions in the family – including cases of violence

	2000	2001
Domestic interventions (total)	479,602	482,007
Including cases of domestic violence	86,146	86,545

Table A.5.2.
Victims of domestic violence

	2000	2001	Reduction
Total victims of domestic violence	116,644	113,793	2.45%
Including women	67,678	66,991	1.02%
Including men	5,606	5,589	0.31%
Including children under 13	27,820	26,305	5.45%
Including adolescents aged 13 to 18	15,540	14,908	4.17%

Table A.6.1.
Proceedings in cases concerning prostitution and trafficking in persons

Legal qualification	Proceedings started				Proceedings concluded				Crimes proven			
	'99	'00	'01	'02	'99	'00	'01	'02	'99	'00	'01	'02
Abductions for the purpose of forcing into prostitution abroad (art. 204 CC)	55	33	10	55	112	77	66	99	33	66	110	22
Trafficking in persons (art. 253 §1 CC)	88	112	77	77	44	113	113	88	55	119	224	88

Table A.7.1.
Percentage of women in the leaderships of political parties after the parliamentary elections in 2001

Name of the party	Number of persons in the board	Including women
Democratic Left Alliance	38	8 (including a vice-chair)
Labor Union	20	6 (including 2 vice-chairs)
Polish Peasant Party	15	0
Civic Platform	57	11
Law and Justice	35	3
Self-Defense	4	0
League of Polish Families	12	0
Freedom Union*	15	6 (including a vice-chair)

*The Freedom Union did not enter parliament. It was one of the three parties that in their platform documents and lists of candidates incorporated the principle of a quota for women.

Table A.8.1.
Percentage of women-experts as members of delegations representing Poland on the international forum in the years 1998-2002 (on the basis of data from the Ministry of Finance, Ministry of Economy, Labor and Social Policy, Ministry of National Education and Sport, and the National Statistical Office)

Year	Percentage of women				
	Ministry of Finance	Ministry of Economy	Ministry of Education	National Statistical Office	Average
1998	43%	39%	n.a.	63%	48%
1999	44%	40%	n.a.	63%*	49%
2000	54%	42%	n.a.	63%*	52%
2001	41%	44%	75%	67%	56%
2002	35%	n.a.	n.a.	67%	51%

*The National Statistical Office provided combined data for the years 1998-2000

Table A.10.1Percentage of women among students and graduates of higher schools in the academic year 1999/2000:

Types of higher schools	Percentage of women students	Percentage of women graduates
Universities	65%	72%
Higher technical schools	31%	37%
Higher agricultural schools	54%	55%
Higher schools of economics	61%	68%
Higher pedagogic schools	73%	82%
Medical academies	70%	70%
Higher marine academies	35%	46%?
Physical education academies	47%	51%
Higher artistic schools	61%	65%
Higher theological schools	58%	46%
Schools of the defense ministry	23%	8%
Schools of the ministry of interior and administration	8%	8%

Table A.10.2.
Percentage of girls as pupils of different types of schools:

Year	Primary	Grammar	Basic	Secondary general	Secondary vocational
1998/99	48.4%	-	35.4%	64.9%	46.9%
1999/00	48.5%	48.1%	34.8%	63.8%	46.4%
2000/01	48.5%	48.4%	34.2%	62.7%	45.8%
2001/02	48.5%	48.6%	34.2%	62.2%	45.0%

Table A.11.1.
Ratio of women's wages to men's wages in major professional groups (data for October 1998 and October 2002).

Professional group	1998	2002
Senior civil servants and managers	75%	72%
Specialists	72%	75%
Technicians, other mid-level staff	74%	73%
Office workers	94%	101%
Personal services staff and shop clerks	75%	85%
Farmers, gardeners, foresters and fishermen	90%	91%
Industrial workers, craftsmen	67%	63%
Operators and fitters of machines and equipment	85%	84%
Unskilled workers	83%	86%

Table A.11.2.
Employment of men and women in major professional groups in 2000 (in thousands).

	women	men
Total	**6,682**	**8,089**
Senior civil servants and managers	322	613
Specialists	912	488
Technicians and other mid-level staff	1,013	635
Office workers	771	256
Personal services staff and shop clerks	909	458
Farmers, gardeners, foresters and fishermen	1,392	1,616
Industrial workers, craftsmen	532	2,386
Operators and fitters of machines and equipment	152	1,009
Unskilled workers	681	578

Table A.11.3.
Percentage of women among professionally-active persons in different age groups in 1999 and 2001

Age	15-24	25-34	35-44	45-54	55-64	65 and more
1999	45.8%	45.9%	43.7%	48.0%	39.8%	42.5%
2001	46.3%	46.6%	47.7%	48.7%	41.0%	40.2%

Table A.12.1.
Health service as of 31st December

Specification	1999	2000	2001	2002
Health care establishments				
a) clinics	5,425	5,685	5,776	5,657
b) health centers	2,802	2,503	2,235	2,170
c) medical practices	2,509	5,080	6,419	7,004
- in towns	2,076	4,211	5,136	5,642
- in rural areas	433	869	1,283	1,362
d) hospitals	715	716		739
e) facilities				
- life care – medical	95	126		174
- medical-educational	15	11		
- nursing-life care	20	49		100
- hospices	15	26		41
Pharmacies and pharmacy points (including rural)	8,145	8,589	9,262	9,605
	1,735	1,763		
Medical staff of the civilian health service				
a) physicians	87,524	85,031	86,608	
- including women	47,384	46,071	46,737	
b) dentists	13,260	11,758	10,124	
- including women	10,275	8,911	7,617	
c) specialists				
- in pediatrics	8,717	8,238	3,775	
- in obstetrics and gynecology	5,962	5,861	4,179	
d) paramedics	501	374	294	
e) pharmacists	21,857	22,161	23,774	
- including women	19,258	19,510	20,512	
f) nurses	197,153	189,632	186,491	
g) midwifes	22,683	21,997	21,997	
Consultations (in thousands – except point "e")				
a) total	206,683	209,085	234,820	238,933
b) for women (in the gynecological clinics)	6,242	3,228		
c) for children (in the pediatric clinics)	25,627	17,654		
d) in the countryside	31, 647	32.355	34,408	
e) per one inhabitant	5.3	5.4	6.1	

Empty spaces mean non-available data.

Table A.12.2.
Number of abortions

Year	Live births	Abortions	Miscarriages
1999	382,000	151	41,568
2000	378,300	138	41,007
2001	368, 200	124	40, 559
2002	353,800	159	41,707

Table A.12.3.
Crimes in the context of the law *on family planning*

year	infanticide	abandon-ment	abandon-ment leading to death	abortion with woman's consent	abortion against woman's wishes	initiated court cases
1999	31	46	1	95	4	62
2000	47	71	0	20	10	83
2001	26	76	0	17	4	60
2002	28	63	3	200*	10	69

*one case in southern Poland involved 190 abortions.

Table A.14.1
The situation of rural women in the labor market (3rd quarter of 2002)

Specification		Vocational activity	Employ-ment	Unemploy-ment
Population of Poland	Total	55.6%	44.6%	19.8%
	Men	63.0%	51.3%	18.6%
	Women	48.9%	38.5%	21.3%
Rural population	Total	57.3%	47.4%	17.2%
	Men	65.1%	55.0%	15.5%
	Women	49.6%	40.0%	19.2%
Rural population connected with a farm	Total	65.9%	59.1%	10.4%
	Men Women	72.1%	65.6%	9.1%
		59.4%	52.3%	12.0%
Landless rural population	Total	46.5%	33.0%	29.1%
	Men	55.8%	40.9%	26.6%
	Women	38.3%	25.9%	32.3%

Table A.14.2
Persons living in homes in 2002

	Total people in homes					
	Very good	Good	Adequate	Bad	Very bad	
						Due to excessive density
Average	8.6%	25.0%	30.5%	23.3%	12.2%	(8.7%)
Town	11.9%	26.5%	31.7%	21.2%	8.4%	(7.4%)
Country	3.2%	22.6%	28.7%	26.7%	18.4%	(10.7%)

Table A.14.3.
Women-councilors of local self-governments

Specification	Councilors			
	Gmina councils	Councils of towns with powiat status	Powiat councils	Voivodship assemblies
Situation on election day of 11th October 1998				
Women	15.7%	19.9%	14.9%	10.9%
Situation on 31st December 2001				
Women	15.9%	20.1%	15.0%	11.5%

A.14.4.
Rural population aged 13 and above with farm user, according to sex and level of education in 2002

Specification	Total		Countryside	
	Men	Women	Men	Women
Total – thousands	3,133.1	3,025.3	2,716.5	2,608.4
percentages				
Higher	3.6%	5.1%	2.3%	3.7%
Post-secondary school	0.9%	3.1%	0.8%	2.6%
Secondary – total	53.4%	44.5%	52.6%	43.6%
Vocational	16.2%	17.0%	14.7%	16.1%
General	2.6%	6.9%	2.0%	5.8%
Basic vocational	34.7%	20.6%	35.9%	21.6%
Primary completed	37.7%	40.9%	39.8%	43.2%
Primary incomplete or no school education	4.0%	6.1%	4.2%	6.6%
Data not available	0.3%	0.3%	0.3%	0.3%

Table A.14.5.
Women's life expectancy and death rates in 2001

Year	Countryside	Town
Women's death rates – per 1000		
2001	9.10	8.25
Women's death rates during pregnancy, birth, puerperium – per 100 thou.		
2000	0.1	0.1
Average life expectancy - years		
2001	78.72	78.20

Table A.14.6.
Infant death rates per 100 thousand births on 2001.

Specification	2001
Town	766
Countryside	768
Average	767